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\$16.40 per cwt. in March, 1965, to \$24.00 in March, 1966.

The average price of choice steers sold out of first hands for slaughter at Omaha in February, 1972, was \$36.38 per cwt. By way of comparison, the comparable figure for February, 1952—twenty years earlier—was \$33.65. Prices of choice steers have declined in recent weeks. The average price of choice steers sold out of first hands for slaughter at Omaha in the week ended March 23, 1972, was \$34.68 per cwt., or \$1.70 per cwt. less than the February average.

Farmers, including livestock producers, have been confronted with steadily increasing costs in recent years. The index of prices farmers pay—including wages, interest, and tax—rose from 318 (1910-14=100) in March, 1965, to 386 in March, 1970, and 423 in March, 1972.

Retail meat prices include substantial marketing costs which have been increasing in recent years. Unit labor costs in the marketing of farm-food products rose from an index of 100 in 1960 to 109 in 1965 and 142 in 1970. The farm-to-retail price spread of the market basket of farm foods increased \$126, or 20.3 percent, from 1965 to 1970. Few have complained about the increases in wages at each stage of processing and distribution, which have increased the retail cost of meat.

(2) Experience during World War II and the Korean period clearly shows that controls don't work in the livestock and meat industry. The inevitable effects of attempting to control meat prices will be less production, black markets, and distorted distribution patterns.

Price controls thwart increases in production which can normally be expected to correct, in a relatively short time, any temporary shortage of meat that may develop. The ease with which unscrupulous operators can go into the meat packing business is well known. Such action leads to black markets which distort distribution and deprive consumers of the protection provided by federal and state meat inspection.

(3) Price controls on meat would not serve the interests of consumers. The current demand for meat reflects increased consumer purchasing power plus individual preferences rather than an actual shortage of production. Beef supplies per capita are twice as large as 20 years ago. Red meat consumption this year is expected to average close to the 192 pounds consumed in 1971. Large supplies of poultry, eggs, and dairy products are also available. Price controls on meat would do nothing to reduce demand and would adversely affect future supplies.

(4) More supplies are on the way. The number of cattle and calves on feed in 39 feeding states in January, 1972, was over 8 percent higher than a year earlier. While the March, 1972, Pig Crop Report indicates that farmers in the Corn Belt states intend to reduce hog production 7 percent during the March-May farrowing season, the current level of hog prices and the large 1971 corn crop can be expected to bring an early turnaround in production plans.

(5) Food prices are not the cause of inflation. The inflationary pressures which stimulated the President's August, 1971, decision to—among other things—invoke price controls are primarily the result of excessive deficit spending on the part of the federal government and expansion of the money supply of the Federal Reserve Board.

The announcement of controls may have a helpful psychological effect, and there are instances in which wage and price controls could dampen inflationary pressures particularly in those industries where excessive market power—i.e., where prices are administered and (2) are determined by government groups.

On the other hand, is a highly

competitive industry. Farmers and ranchers do not have excessive market power.

In your efforts to hold the line on prices, the members of this Commission face a most difficult—if not impossible—task as long as the fiscal and monetary policies of our federal government remain clearly inflationary.

Because the American Farm Bureau Federation seeks to act responsibly in dealing with important policy matters of this kind, our Board of Directors has made line-by-line recommendations to the Appropriations Committees of both the House of Representatives and the Senate for reductions in appropriations for fiscal 1973. These recommendations call for reductions of \$21,937 million in new spending authority and \$14,908 million in expenditures.

We are shocked and distressed at the apparent lack of responsibility on the part of both the Executive Branch of government and the Congress with respect to deficit financing.

We sense that part of the fiscal irresponsibility now being demonstrated by the Congress is traceable to a belief on the part of many members that they can avoid the political consequences of inflation by placing responsibility for price increases on the wage and price control activities of this Commission and the Pay Board.

We call attention to this attitude because we do not intend to permit the Congress and the Executive Branch of the government to go unchallenged in their efforts to slip, slide, and duck on the issue of what causes inflation.

While we appreciate the sincerity of the members of this Commission, it is our opinion that, in the long run, all prices—including food prices and the prices of farm production items—will move inexorably upward unless and until the federal government returns to responsible fiscal and monetary policies.

In summary, current meat prices are not excessive when viewed from historical perspective or in terms of consumer income and producer costs. Meat production and meat prices move in cycles which are self-adjusting. Controls would disrupt the operation of these cycles and lead to black markets. It would, therefore, be a serious mistake for the government to attempt to extend controls to raw agricultural products.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

NATIONAL COASTAL ZONE MANAGEMENT ACT OF 1972

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair lays before the Senate the unfinished business, S. 3507, which the clerk will please read by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (S. 3507) to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, in view of the fact that the unfinished business is not expected to take too long today, and in view of the additional fact

that as of this moment there is no other business cleared for action today, I ask unanimous consent that the Pastore rule with respect to germaneness be lifted for not to exceed 15 minutes and that the distinguished Senator from Vermont (Mr. AIKEN) be now recognized for not to exceed 15 minutes to speak out of order, while Senators who are interested in the unfinished business are coming to the floor from the committee meetings in which they are officially occupied.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered, and the Senator from Vermont is recognized for 15 minutes.

FULL CIRCLE IN VIETNAM

Mr. AIKEN. Mr. President, we have now come full circle in Vietnam.

It was in February 1965 that the then Secretary of Defense, Robert McNamara, telephoned me and other Senators to say that President Johnson was dispatching additional marines to Danang to protect the lives of the 20,000 Americans already in the area.

In April of 1972, 7 years later, Secretary of Defense Laird came before the Foreign Relations Committee to tell us that President Nixon had authorized the bombing of Hanoi and Haiphong to protect the lives of the 85,000 or so American troops still left in Vietnam out of the 543,000 who were there in the spring of 1969.

The telephone call I received in February of 1965 was a private call.

President Johnson did not use the protection of American lives as the primary reason for his action.

Instead, he cited the aggression of North Vietnamese armies against South Vietnam, and proceeded in the following months to export to that country all the paraphernalia needed for a full-scale, European-type war.

When Secretary Laird came before us the other day, he quite correctly said that the North Vietnamese had launched a full-scale, European-type invasion on South Vietnam.

However, the United States is not now assuming responsibility for throwing back that invasion; the United States is withdrawing, using its air power to cover what some may characterize as a planned Dunkirk.

No nation, interested above all in maintaining the credibility of its armed forces as the major instrument for keeping the peace in the world, would ever set out knowingly on an adventure that had the result of creating in an avowed enemy a modern military capability that he otherwise would never have had.

It may be madness, but it happened.

It happened because men in power in this country made grievous mistakes, which, once made, could not be corrected in any short time or by any easy means.

How does a great nation, like ours, correct the mistakes of its leaders?

Does it confess its sins to all the world?

Does it ask forgiveness?

Individuals can do that, and who among us can conceive of a life where the possibility of forgiveness did not exist?

But nations cannot or will not ask forgiveness.

The mechanism for forgiveness that works in nations is what we call turning over a new leaf, or changing our course or policy.

President Nixon came to the White House on the promise that he would turn over a new leaf in foreign policy.

I feel he has done that.

I further feel that the South Vietnamese will win the battle in which they are now engaged.

And, if perchance, I am right, a lot of the President's critics are going to look rather foolish.

I spoke out very early against the fallacy of exporting a European-type war to Vietnam.

But I never went along with those who persist in seeing greater legitimacy and morality in North Vietnam than in South Vietnam.

I said as early as October of 1966 that: The size of the U.S. commitment (in Vietnam) already clearly is suffocating any serious possibility of self-determination in South Viet Nam for the simple reason that the whole defense of that country is now totally dependent on the U.S. armed presence.

It is this situation that President Nixon has corrected.

He has restored legitimacy to the Government of South Vietnam.

This was the only honorable course the President could take.

That Government, South Vietnam, responded by arming its own citizenry, over 1 million strong, the one act that makes a mockery out of all charges that the government in Saigon is somehow not now legitimate.

If now the South Vietnamese choose to fight for their homes and land at a terrible cost in blood, this should be no cause for moral outrage here.

I sometimes wonder if some of the President's critics have really learned anything at all from this tragedy, for they still speak as though it were the moral duty of the United States to reengineer Vietnamese society, if not by massive intervention, as some insist, then by total withdrawal and total renunciation of U.S. responsibility, as others advocate.

We entered Vietnam with the idea that our armies and our bureaucracies could create there a model, freedom-loving society.

Some seem to think now that all that stands in the way of achieving that noble purpose is the removal of the U.S. presence, which they now see as the very source of malignancy.

What gives real impetus to this hysteria now is the spectacle of bombs dropping on Hanoi and Haiphong, on a country that may have acquired modern military might, thanks to our example, but has not acquired the other essential elements of modern society.

And there are those who insist that these bombs are falling on us here in the United States, just as surely as on the people of Vietnam.

I opposed the bombing of North Vietnam from 1966-68 and I do not advocate bombing now.

It did not work to end the war then.

It will not be the crucial factor in ending the war now.

The President will make a very serious mistake if he fails to understand that a great many Americans feel this way, too.

The ambiguities of the use of airpower in North Vietnam demand of our leaders the most careful kind of humility.

I hope that the President will reflect, too, on the fact that many of his most excited critics today will be his most necessary supporters tomorrow when we will have to bind up the wounds of this unjustified war.

Vietnam will not go away.

We are going to have responsibilities in that part of the world for possibly the rest of this century.

Those responsibilities will cost money.

Any President will have to have understanding and support from among the many who today are pretending, even though they know better, that Vietnam can be made to just go away.

If the South Vietnamese win this battle, or at least escape with their armies and government intact—as I hope and believe they will—the great danger will be that others will see in the present use of our naval and airpower a pattern for future strategic policy.

That is why I urge the President to understand that many loyal citizens feel that those bombs that are falling on North Vietnam are falling on us, too.

I have consistently supported President Nixon's actions in Vietnam since he took office.

Indeed great progress has been made in extricating us from our dilemma during the past 3 years.

But I have differed at times not only with his decisions but with the words he has used to justify those decisions.

I did so at the time of the Cambodian incursion, an action I was willing to accept as a temporary and localized expedient, but which was presented to the American people in terms that added to the flames of dissent here at home.

Words like "defeat" and "victory" do not enhance the prospects for an early peace.

I likewise differed with the President over the Mansfield and Cooper-Church amendments, which merely gave congressional expression to his avowed intention to withdraw our military forces from Vietnam and avoid creating a military presence in Cambodia.

In my political judgment the President did himself unnecessary harm trying to defeat those amendments.

On the other hand, I have always opposed efforts to legislate here in the Congress a specific date for ending our involvement in Vietnam, even if tied to the release of our prisoners.

It is not just that such legislation in the field of foreign policy is of dubious legality.

I am not about to be a party to a vote of no confidence in the President of the United States regardless of his party affiliation and such specific legislation brooks no other interpretation.

Nor would I undertake to discredit my own country, a country whose benefits to the world exceed the mistakes it has made a hundredfold.

The most important judgment passed on President Nixon's policies will be passed by the American people next November 7.

I trust that circumstances prevailing then will insure his reelection.

If the South Vietnamese must have this kind of support; if there is, in fact, some connection between the bombing and the safety of our own forces, the President must nonetheless accept the fact that this kind of use of airpower is profoundly distasteful to a great many Americans.

If it has to be used to correct past mistakes, so be it, but if it ever comes to be thought of as a chosen means of expressing American foreign policy interests, then no President can hope to hold public esteem for long.

We have indeed come full circle in Vietnam.

We entered on the wings of an illusion, the illusion that we could reengineer Vietnamese society with the use of our Armed Forces.

We must not leave on the wings of an equally false illusion, namely that all that prevents peace and harmony in that country is a malignant U.S. presence.

I do not see this as a time for moral outrage, but rather a time for humility and rededication.

We have made it a matter of national honor to help those who, very legitimately, have decided to fight and die for their land, their homes and their beliefs.

At the same time we are finally withdrawing from our own misguided intervention.

We have no other course than the one the President is following.

We have already withdrawn 86 percent of our military personnel from that unfortunate country in the past 3 years.

Our air strength in Vietnam today is about one-third of what it was when President Nixon took office.

And until the all out resumption of the war by the North Vietnamese, reinforced by modern invasion weapons of war from Russia and vocal encouragement from other countries, it appeared that our withdrawal from Vietnam could have been virtually completed by midsummer.

I still believe that if the North Vietnamese do not get too much encouragement to intensify and prolong the war, our withdrawal may be completed at an early date and our attention can then be focused on the problems of reconstruction and healing the wounds caused by this ill-conceived war.

Mr. President, I yield the floor.

NATIONAL COASTAL ZONE MANAGEMENT ACT OF 1972

The Senate continued with the consideration of the bill (S. 3507) to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. What is the pleasure of the Senate?

Mr. HOLLINGS. Mr. President, I ask that the Senate proceed with the consideration of S. 3507.

The ACTING PRESIDENT pro tempore. That bill has been laid before the Senate, and is the pending business.

Mr. EAGLETON. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. EAGLETON. If at a later time, prior to offering my amendment, I should desire to move that this bill be referred to the Committee on Public Works, would I have the right to make such a motion, if I do not do so at this particular time?

The ACTING PRESIDENT pro tempore. Such a motion may be made at any time prior to the vote on the bill.

Mr. EAGLETON. I thank the Chair.

PRIVILEGE OF THE FLOOR

Mr. HOLLINGS. Mr. President, I ask unanimous consent that two members of my staff, Mary Jo Manning and John Hussey, be granted the privilege of the floor during the consideration of this measure.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, it is with a great deal of pleasure that the Committee on Commerce recommends unanimously the approval of S. 3507, the National Coastal Zone Management Act of 1972. This bill will provide the Federal assistance necessary to help States and local governments plan and operate coastal zone management programs. The aim is to allow the wise and orderly development and growth within this critical area so as to protect the vital waters of our coastlines and Great Lakes.

This bill has been before the Senate for 2 years, first introduced by Senator WARREN G. MAGNUSON of Washington. I might say that it was the wisdom and leadership of the distinguished chairman of the Committee on Commerce which gave impetus to the creation of this concept. During the 89th Congress, there was created the National Commission on Marine Science, Engineering, and Resources. This blue ribbon panel of experts—often described as the Stratton Commission—produced the landmark report known as "Our Nation and the Sea." Part of this overall report was the section on "Management of the Coastal Zone."

Senator MAGNUSON introduced the bill, S. 2802, which incorporated the recommendations of the Commission. Subsequently, the Committee on Commerce has conducted 11 days of hearings over the space of 2 years on the various coastal zone proposals. The Subcommittee on Oceans and Atmosphere, which I am privileged to chair, has compiled a remarkable record of testimony in favor of coastal zone management. And last September, the committee ordered its

bill, S. 582, reported to the floor. However, during the last year, many Members of the Senate as well as the administration have become convinced that the United States needs a broad-based policy of land use management. There were some who felt that certain provisions within S. 582 were in conflict with the proposed land use policy legislation now pending before the Committee on Interior and Insular Affairs. Additionally, it was felt that many municipalities in coastal States have done an outstanding job of area management, and that S. 582 did not give them the opportunity to participate fully in management programs. Finally, there was concern about conflicts between existing Federal, State, and local matters within the coastal zone. Was too much authority being exercised by the Secretary of Commerce without the opportunity for full hearings and mediation for all parties involved?

Mr. President, these were substantial concerns, and the Committee on Commerce recognized that S. 582 did contain several shortcomings as a result of developments which altered some of the circumstances under which the bill was drawn.

Therefore, on March 14, at my request, S. 582 was recommitted to the Committee on Commerce. For the past month, we have worked over the entire bill in order to accommodate it to present needs and circumstances. This, in brief, is what we have done:

First. The committee has created a bill which will dovetail with the proposed land use legislation. Our definition of the geographic boundaries of the coastal zone itself has been tightened.

Second. We have attempted to make full provision for cooperation and coordination between States, local governments, areawide agencies, and interstate agencies. All of these factions must work together in both the planning and the managing phase of the program. Additionally, States can delegate to local governments some or all of the responsibility under this act.

Third. Finally, we have created a National Coastal Resources Board to handle disputes within the management program area. The board can coordinate programs of various Federal agencies. It can mediate differences between any Federal agency and a coastal State at the development stage of a program. And finally, the board can provide a forum for appeals by any areawide planning entity or unit of local government from any decision or action of the Secretary or the management agency of the State or local area.

Having done this, Mr. President, the Committee on Commerce, on April 11, unanimously ordered that an original bill be reported to the floor. This bill is S. 3507, which is before the Senate today.

So what is the program we propose? Essentially, it is this: A means to avoid crisis in the coastal areas of our Nation. We know the States have the will to avoid this crisis of growth and the subsequent despoilation of our valuable coastal waters. But at present, neither the States nor the local government have the financial means to tackle this difficult

job. S. 3507 solves this problem by providing Federal grants-in-aid to create and operate management programs within the coastal zone.

The bill I propose today is aimed at saving the waters of our coasts and the land whose use has a direct, significant, and adverse impact upon that water. We all know that the coastal water and our delicate estuaries are the breeding grounds of life in the sea. Yet we use the land of the coastal zone with little or no concern for how this use will affect the water. For the most part, everyone is complaining about the situation, but few are doing anything about it. S. 3507 does something about it. In other words, we are talking about providing orderly, sound growth in a narrow strip of land and water of our coastal States, Great Lakes, States, and our territories. The management program authority may extend inland only so far as to allow control over the use of that land which, as I have said, directly affects the water. So it can be seen that we do not envision huge blocks of inland territory being carved into management program areas. The coastal zone bill would extend coverage basically to beaches, salt marshes, sounds, harbors, bays, and lagoons, and the adjacent lands—but not territory so large as to encroach upon land use management. The waters of this zone, again, are our primary target of concern. In disputed cases, these waters are those which contain a measurable tidal influence.

In the United States today, we are facing a population explosion—and it is being felt with the most impact in the coastal States and in coastal municipalities. The rate of increase for coastal areas is more rapid than for inland areas, and this press of population has led to extensive degradation of our estuaries and marshlands. From 1922 through 1954, more than 25 percent of the salt marshes of this country were destroyed by fill, dikes, drainage, or by construction of walls. From 1954 to 1964, the destruction has continued at an even more rapid pace. Approximately 10 percent has been lost to development.

We know that the land area available for expanding populations will not change. There are only 88,600 miles of shoreline on our Atlantic, Pacific, and Arctic coastlines, and another 11,000 miles along the Great Lakes. Already, 53 percent of our population live within 50 miles of the coast. The overwhelming testimony was that by the year 2000, it may well be 80 percent, or 225 million citizens.

I referred earlier to the Stratton Commission. That group's report, "Our Nation and the Sea," calls the coast the most valuable geographic feature of the United States—the most biologically productive region of all. America looks to the coastlines not only for recreation, but for resources as well. The report makes an urgent plea for adequate management of the coastal zone now, before it is too late.

We hope we have created, in S. 3507, an answer to this plea for help. We know that the mechanism this bill envisions may not be perfect, but nothing is per-

fect. It may not solve every problem—but few Government solutions can handle everything. It may not make everybody happy—because there are a lot of folks who do not care about the result of rapid development. All they want is a profit. This kind of thinking can no longer be tolerated in America—if America wants any kind of a decent environment for its citizens in the decade ahead. The coastal zone bill will help us build and preserve that kind of America—a place where those of us who support this measure today can take some pride in the years ahead. I urge all my colleagues to join in voting for the bill, for good government, for progressive government, and for protection of our most vital resources in S. 3507.

Mr. President, I ask unanimous consent that the names of the cosponsors of the pending bill be shown in the *Record* here.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

LIST OF COSPONSORS

Senator Ernest F. Hollings.
 Senator Warren G. Magnuson.
 Senator Lloyd Bentsen.
 Senator Clifford P. Case.
 Senator Marlow W. Cook.
 Senator Sam J. Ervin.
 Senator David Gambrell.
 Senator Edward J. Gurney.
 Senator Philip A. Hart.
 Senator Vance Hartke.
 Senator Hubert H. Humphrey.
 Senator Daniel Inouye.
 Senator B. Everett Jordan.
 Senator Gale W. McGovern.
 Senator George McGovern.
 Senator Thomas J. McIntyre.
 Senator Joseph M. Montoya.
 Senator Bob Packwood.
 Senator John O. Pastore.
 Senator Abraham Ribicoff.
 Senator William B. Spong.
 Senator Ted Stevens.
 Senator Harrison A. Williams.
 Senator Alan Cranston.
 Senator John V. Tunney.
 Senator J. Glenn Beall.

Mr. HOLLINGS. Mr. President, I yield to the distinguished ranking minority member of the committee, the Senator from Alaska (Mr. STEVENS).

Senator STEVENS has been of invaluable help. He starts with a primary interest in the matter, because the coastline of Alaska comprises practically half the coastline of the United States, and he obviously has a firsthand knowledge as well. He joined me in all these hearings of the Commerce Subcommittee on Oceans and Atmosphere. He is a member of the Committee on Interior and Insular Affairs. He has served in the Department of the Interior, in the executive branch of Government. He has worked with me in trying to reconcile differences and concerns not only with the administration, but also with the Committee on Interior and Insular Affairs, the Committee on Public Works, and other public concerns.

I am glad to yield to Senator STEVENS.

Mr. STEVENS. Mr. President, as a member of the Committee on Commerce and as the ranking minority member of the Subcommittee on Oceans and At-

mosphere of that Committee, I would like to commend my distinguished friend and colleague from South Carolina (Mr. HOLLINGS), the chairman of our subcommittee, for his leadership on this legislation. Over the past two Congresses he has conducted many days of hearings and worked through many executive sessions to see this bill become a reality. With successful consideration here today and with the action that appears imminent in the House, I feel confident that we will soon have a law to provide the necessary Federal leadership in this area.

Yet, even though we have been without a congressionally mandated program, the needs of our coastal zones have not been unnoticed. The 1969 Report of the Commission on Marine Science, Engineering, and Resources, entitled "Our National and the Sea"—the so-called "Stratton Commission Report"—discussed at length the special values of our coastal areas and the need for a proper program of coastal zone management:

In that report is the following comment:

Rapidly intensifying use of coastal areas already has outrun the capabilities of local governments to plan their orderly development and to resolve conflicts. The division of responsibilities among the several levels of government is unclear, and the knowledge and procedures for formulating sound decisions are lacking.

The key to more effective use of our coastal land is the introduction of a management system permitting conscious and informed choices among development alternatives, providing for proper planning, and encouraging recognition of the long-term importance of maintaining the quality of this productive region in order to ensure both its enjoyment and the sound utilization of its resources. The benefits and the problems of achieving rational management are apparent. The present Federal, State, and local machinery is inadequate. Something must be done.

It was in response to this void in adequate machinery that the Committee on Commerce began, during the 91st Congress, to consider legislation which would help to protect and manage our biologically productive and commercially invaluable coastal areas. I am pleased to recognize the contributions of the present administration in this area, and note that much of the bill we consider here today is patterned after the bill, S. 3183, introduced at the request of the administration during the 91st Congress. This administration proposal was developed as a result of the National Estuarine Study by the Department of the Interior, performed pursuant to Public Law 90-454, also reported by the Committee on Commerce.

Despite the administration's prior recommendations in this area, however, I should note, in fairness, that it does not support separate legislation for the coastal zone such as that contained in the bill, S. 3507. However, this does not reflect any change in the administration's position over the need for effective programs. Rather, it has chosen a broader approach with its proposal for a national land use policy as contained in the bill, S. 992. In this connection, on May 5, 1971, the Honorable Russell Train, Chairman of the Council on En-

vironmental Quality—and former Under Secretary of the Interior—appeared before the subcommittee and stated in part the following:

Since the development of the coastal zone legislation the administration has moved forward to consider the broader realm of land use generally, including the coastal zone. And the legislation which the President submitted to the Congress on the 8th of February as part of his environmental message calls for a new, very innovative national land use policy which includes and embraces the coastal zone as part of a broader approach to what the administration sees as a very high priority national need; namely, more effective land use as it affects environmental quality all across the country, both in the coastal zone and within the interior portions of the United States.

Notwithstanding this valid observation concerning the needs of the interior portions of our country, the needs of our coastal zones are such that to delay passage of the National Coastal Zone Management Act of 1972 to await enactment of a more inclusive bill would be unwise at best. It is in the coastal zone that the need for effective control has been most clearly demonstrated. It is in the coastal zone that one can readily recognize the resource of our lands is limited, that it is facing a host of competing demands, that development has been disorderly and in many cases tragic, and that unless management programs are developed, the demands of burgeoning populations and sprawling urban systems will completely choke them off. It is of more than passing interest to me to note that the State of Alaska lays claim to a coastline which is equal to more than half of that boasted by what we call the "Lower 48", and that the passage of such legislation at this point in our development is of the utmost importance.

The need for Federal financial assistance, as well as Federal requirements for cooperation at all levels and the establishment of criteria for the development of adequate management plans, has been demonstrated by the relative inability of most States and localities to proceed without it. As stated by Mr. John Asp-lund, chairman of the Greater Anchorage Area Borough, Anchorage, Alaska, when he appeared before the subcommittee on May 6, 1971, on behalf of the National Association of Counties:

We at the county level know that we have made many mistakes and allowed economic and other factors to override the requirements for more logical coastal management. But, the State and Federal Governments must also assume part of the blame for not taking a greater interest in coastline reservation, for not providing the necessary broad guidance, and for not providing either financial or technical support. The time, we believe, has come to correct these past failures and take a positive approach toward coastline management and preservation.

I, too, join the distinguished chairman of the committee, the Senator from South Carolina (Mr. HOLLINGS) in believing that the time has come. S. 3507 moves toward this goal by providing the financial assistance necessary for the development and implementation of coastal zone management programs. It furnishes to States and localities the guidance and

criteria necessary for them to manage these areas wisely. It is my hope that the Congress will recognize the adequacy of its response and the need which it promises to fulfill, and grant it favorable consideration.

Mr. President, at an appropriate time, I should like to discuss with the chairman of the subcommittee an amendment which would insure that where there are no statewide programs and plans consistent with this act, if a local political subdivision of a State with areawide powers does have a workable plan, the Secretary of Commerce will be able to cooperate with that areawide government. But I leave it to the Senator from South Carolina to determine when it would be an appropriate time to discuss this amendment which I have suggested.

I thank the chairman and will assist in any way I can in connection with this matter.

Mr. HOLLINGS. Is that the amendment relative to the matter of the Secretary's having the authority to go ahead should a particular area of a State itself default in actually promulgating a plan authorizing the Secretary to work with the local government or political subdivision and approve one submitted by it—is that the amendment?

Mr. STEVENS. Yes; that is the intent of the amendment. I have provided the chairman of the subcommittee with a copy of it. It would add a subsection "i"—let me check first, to make sure.

Mr. HOLLINGS. Could we not go on later with that amendment, if the distinguished Senator will permit it, as the Senator from Virginia has concern and the Senator from Missouri also has concern about active consideration at this time of this particular bill. I think perhaps we should go into their concerns first, and then when we began to call up amendments—we are not in a rush here this morning—we can call it up.

Mr. STEVENS. I will be happy to cooperate in every way I can. I just wanted to call the attention of the chairman to the fact that I hope we can consider the concept which would give the local political subdivision with areawide powers, the power to proceed with plans already made if the State has no plan.

Mr. SPONG. Mr. President, the objective of the proposed National Coastal Zone Management Act is to achieve a partnership between man and nature in which man's varied needs are in harmony with nature's processes and resources.

Specifically, the bill now pending would encourage the States to develop programs to protect their coastal resources by authorizing Federal assistance for the preparation and implementation of management programs. At the outset of my remarks, I would emphasize the assertion in the committee report on this measure that—

There is no attempt to diminish state authority through federal preemption. The intent of this legislation is to enhance state authority by encouraging and assisting the states to assume planning and regulatory powers over their coastal zone.

Mr. President, that is as it should be—although the success of coastal zone management programs will be dependent

on the cooperation of Federal, State, regional, and local agencies. I wish to commend the distinguished chairman of our Subcommittee on Oceans and Atmosphere for initiating the effort to have the bill recommitted.

Reconsideration of the measure resulted in two definite improvements. First, the inland scope of the coastal zone has been changed so as to limit the legislation to the area of greatest environmental concern. Second, the measure now requires broader participation of local governments, interstate, and regional groups in the preparation and operation of management programs.

A review of the testimony clearly demonstrates the need for this legislation. Much more than esthetics is involved in the protection and preservation of our coastal and estuarine waters and marshlands. The many varied types of natural vegetation which are found in the coastal zone provide a constant food source for fish and fowl alike.

It is estimated that three-quarters of our commercial seafoods—fish, claims, oysters, shrimp, crabs, and lobsters—are nurtured in our coastal areas. In addition, these waters and shorelands provide shelter and food for birds and wildlife, and act as a buffer against storms and other natural disasters.

It is in our own economic interest to protect these areas from the ever-increasing pressures of development and misuse. It has been estimated that in the period 1922 through 1954 more than one-fourth of the country's salt marshes were destroyed by filling, diking, or other forms of development. From 1954 to 1964 an additional 10 percent of the remaining salt marshes between Maine and Delaware was destroyed.

In Chesapeake Bay, an area of immediate concern to me, shoreline erosion caused by development has directly affected waterborne commerce, farmers, and fishermen. Deposits of silt have reduced water depths 2.5 feet over a 32-square-mile area at the north end of the bay. Roughly one-half of the oyster grounds in the upper bay have been destroyed or shifted downstream by sedimentation.

In order to encourage the coastal States to protect shorelands and estuarine waters, the bill authorizes the Secretary to make grants of up to two-thirds of the cost of developing management programs. The measure provides that management programs must specify the boundaries of the coastal zone, identify the permissible land and water uses within the zone so as to preclude uses having an adverse impact, and specify how control will be exerted over land and water uses within the coastal zone.

When a management program has been developed and approved, the bill authorizes grants of two-thirds of the cost of administering the program.

Finally, the bill authorizes grants of up to 50 percent of the cost of acquisition, development, and operation of estuarine sanctuaries. These provisions contemplate the creation of field laboratories for the collection of data and the study of natural processes occurring in estuaries. Such research should be of ma-

terial assistance in establishing a rational basis for the intelligent management of coastal and estuarine zones.

Mr. President, I would be remiss if I failed to thank the committee, and especially the distinguished Senator from South Carolina (Mr. HOLLINGS) for accepting the suggestion I offered during the committee's consideration of the bill to require State certification of activities requiring a Federal license or permit.

This provision parallels a requirement in the Federal Water Pollution Control Act that applicants needing a Federal license or permit must obtain a certificate from the State water pollution control agency that there is reasonable assurance that the activity in question will not violate applicable water quality standards. It seems entirely reasonable to have a comparable provision in this legislation to guard against development that is inconsistent with a coastal zone management program.

It has been a pleasure to have been actively involved in the development of this bill. Its enactment would serve to protect and restore the vast resources of the coastal zone, an objective that is deserving of the highest national priority.

Mr. President, I again commend the Senator from South Carolina (Mr. HOLLINGS) not only for working initially on this bill, but also for having it recommitted and for bringing it back to the floor today in which I consider to be a much better form than when the bill was initially introduced.

Mr. BOGGS. Mr. President, I wish to express my support for S. 3507, the National Coastal Zone Management Act of 1972. This legislation provides significant benefits for every coastal State. It offers these States an opportunity to develop a legal framework "to preserve, protect, develop, and, where possible, to restore the resources of the Nation's coastal zone for this and succeeding generations."

The Committee on Public Works, on which I have the honor to serve, authorized a study of pollution in the estuarine areas at the time the committee reported the Clean Water Restoration Act of 1966. The Department of the Interior conducted an exhaustive 3-year examination of this question. In 1969 it submitted its three-volume report, "The National Estuarine Pollution Study," together with proposed legislation.

It was my honor in the 91st Congress to introduce S. 3183, which was the recommended legislation that grew out of that study. S. 3183 was originally referred to the Committee on Public Works. In an effort to give the Committee on Commerce the opportunity to consider the Interior Department's proposal in concert with the other important coastal zone proposals, we recommended that S. 3183 be re-referred to the Committee on Commerce.

S. 3183 contained important features to enable the coastal States to give greater attention to the management of their coastal and estuarine zones.

S. 3183 sought to accomplish two goals. First, it declared that there is a national interest in the effective management and protection of the coastal and estuarine zones. The bill set out a "national

policy to encourage and assist the coastal States to exercise effectively their responsibilities over the Nation's estuarine and coastal zones through development and implementation of comprehensive management programs to achieve effective use of the coastal zone through a balance between development and protection of the natural environment."

Second, the bill sets up a system of matching grants to assist State agencies in achieving more effective management of the coastal and estuarine zone. The legislation authorizes development and operating grants for coastal zone management programs. This would have fostered rational and effective management of our precious coastal and estuarine zone area, encouraging State permit authority in the estuarine areas and conformity between local zoning and the State management plan.

While no Senate action was taken during the 91st Congress on this legislation, the distinguished Senator from South Carolina (Mr. Hollings), last year introduced new legislation incorporating many of the provisions of S. 3183, as well as other coastal zone bills before his subcommittee. The new legislation was S. 582.

I was pleased and honored to cosponsor that bill, which also contained many provisions similar to the legislation considered today. As a sponsor of S. 3183, I would like to discuss these differences, which are actually quite minor in view of the significance of the overall legislation.

This new legislation offers several changes from S. 3183, which I introduced in the 91st Congress. First, it raises the Federal contribution to 66 percent in the form of a grant, instead of the 50 percent in S. 3183. And the new bill sets no dollar limit on grants, other than a maximum grant of 10 percent of the funds appropriated to any one State.

New features of this legislation, of course, are the creation of the National Coastal Resources Board, to be headed by the Vice President, and authority to purchase estuarine sanctuaries as national field laboratories.

Also, this bill requires review of any Federal permit that would be undertaken in an area covered by an approved coastal zone management plan so that the permit will be carried out "in a manner consistent with the State's approved management program."

In its declaration of policy, this legislation seeks "to preserve, protect, develop, and where possible to restore the resources of the Nation's coastal zone for this and succeeding generations." May I point out that such a goal has largely been achieved in my own State. I am proud of that accomplishment.

In an effort to meet this challenge of our coastal zones' needs, Gov. Russell W. Peterson and the Delaware Legislature wrote legislation that established strict controls over development along the coastal zone of the entire State. This was the Delaware Coastal Zone Act of 1971. This law has been hailed by many conservation groups as among the most significant steps toward environmental excellence ever taken by a State.

Largely as a result of this legislation,

Governor Peterson of Delaware was recently honored as 1971 conservationist of the year by the National Wildlife Federation. This distinguished award was made to the Governor for his "outstanding contributions to the wise use and management of the Nation's natural resources."

This great honor is one that Governor Peterson richly deserved, for he has demonstrated tremendous knowledge and understanding of the environmental challenge our Nation faces.

The Saturday Review magazine recently carried an extensive interview on this subject with Governor Peterson. I think the interview is a most interesting one and very timely, particularly in view of the Senate's consideration of this legislation today. Therefore, Mr. President, I ask unanimous consent that the text of the interview, "Showdown on Delaware Bay," be printed at the conclusion of my remarks.

Mr. President, I wish to close my remarks by reiterating my support for S. 3507. It is important legislation. It is legislation that is necessary if our Nation is to utilize our coastal and estuarine areas in the best possible manner.

There being no objection, the text of the interview was ordered to be printed in the RECORD, as follows:

SHOWDOWN ON DELAWARE BAY

(An interview with Gov. Russell W. Peterson by Sally Lindsay)

A drama is unfolding in Delaware that on one level involves a straightforward conflict over land and water use but on another reflects the current debate over national priorities. At stake is the future of Delaware Bay and the state's coastal areas. Heightening the conflict is the arrival of the era of supertankers and an accident of geography.

Delaware, the country's second smallest state, is best known as the home of the Du Pont family and as a favored location for business incorporation—some 70,000 United States companies are chartered there. Furthermore, Delaware has a priceless natural asset that has made the state the object of not entirely welcome notice: its bay.

Delaware Bay is one of three spots along the entire United States Atlantic Coast with water deep enough to accommodate supertankers of 250,000 to 350,000 dead-weight tons. Now going into service, these vessels have drafts of sixty-five to eighty-five feet. The other deepwater sites are Long Island Sound off Montauk, New York, and Machiasport, Maine. Deep water plus open land and ready access to the major population centers of the Middle Atlantic States have combined to make the lower Delaware Bay region irresistible to entrepreneurs relying on the use of supertankers.

The state thus attracted nationwide attention when its Republican Governor, Russell W. Peterson, signed the Delaware Coastal Zone Act of 1971 that barred heavy manufacturing industry from locating in a two-mile-wide strip along the state's 115-mile coastline. The first state law of its kind, it specifically banned oil refineries, petrochemical complexes, and basic steel and paper mills. In addition, the act prohibited the construction in the bay of marine terminals for the transshipment of liquid and solid bulk materials. Welcomed under a permit system, however, were such "nonpolluting" enterprises as automobile assembly plants, and garment, jewelry, and leather-goods factories.

"The coastal areas of Delaware are the most critical areas for the future of the state in terms of the quality of life," the act pro-

claims. "It is therefore the declared public policy of the state of Delaware to control the location, extent, and type of industrial development in Delaware's coastal areas. In so doing, the state can better protect the natural environment of its bay and coastal areas and safeguard their use primarily for recreation and tourism."

The law's immediate effect was to block several hundred million dollars worth of planned projects.

Shortly after Peterson took office in January 1969, Shell Oil Company, which began buying coastal property in 1961 and today owns a 5,800-acre site near Smyrna at the head of the bay, announced long-deferred plans to build a \$200-million refinery on its land, with an associate petrochemical plant to follow. At present, Shell has eight refineries in the United States, but none on the East Coast, one of its major markets.

The Delaware Bay Transportation Company, a consortium of thirteen of the nation's leading oil companies, Shell among them, proposed in 1970 the construction of a freestanding 3,200-foot-long dock six-and-a-half miles out in the bay to berth supertankers bringing crude oil to the region. Two forty-eight-inch pipelines would run the crude oil to the shore. There, on 1,800 acres of coastal land that the consortium bought in 1958 near the mouth of the bay, it would build a storage tank farm from which onshore pipelines would feed the petroleum to existing refineries.

A Texas-based company specializing in the transportation of solid bulk materials, Zapata Norriss, Inc., had another proposal for a transfer facility in the bay: a 300-acre terminal where millions of tons of domestic coal headed for world markets would be stored in fifty-five to sixty-five-foot piles for transshipment from self-unloading barges to giant deep-draft carriers. The Zapata project included subsequent plans to expand the terminal to 500 acres and to add the handling of iron ore for export.

Concern about the impact of these large-scale proposals on the undeveloped lower-bay area caused Peterson to "blow the whistle." By executive order, he slapped a one-year moratorium on all construction along the river and bay and appointed a task force to develop a master plan for the future use of the state's coastal areas. The provisions of the 1971 Coastal Zone Act essentially embody the recommendations made by the Governor's task force.

The basic question raised in Delaware was this: Should a natural asset be exploited simply because it's there?

Delaware's bay frontage, where Shell and the oil consortium hoped to build, is today a stretch of tidal wetlands, salt marshes, woodlands, and shallow estuaries, dotted with wildlife preserves. The state's oceanfront contains a succession of state parks and beaches cut by an inlet leading to small protected coastal bays. The wetlands provide food for fish and birds. The beaches, parks, and bays provide recreation for Delawareans and tourists. Both shore lines are endangered by the threat of oil spills from existing heavy water traffic.

Delaware already has one of the largest oil refineries in America, the 140,000-barrel-per-day Getty facility, situated about three miles north of the Chesapeake and Delaware Canal. Six additional refineries line the Delaware River near Marcus Hook, Pennsylvania, just over the Delaware state border; four are in Pennsylvania, two across the river in New Jersey. About 70 per cent of all the oil coming to the East Coast moves through Delaware Bay and Delaware River. About 175 tankers of up to 50,000-ton capacity ply the river each month to make direct oil-refinery deliveries.

Delaware already has a steel mill near Marcus Hook. The prospect of supplies of coal, iron ore, and petroleum concentrated

along a single stretch of the bay area would, it was feared, inevitably lead to the development of additional steel mills and other heavy industry in the area, introducing unacceptable quantities of pollutants into the air and water.

During the six weeks the coastal zone bill was debated before becoming law last June 28, it was vigorously fought by an impressive lineup: the Delaware Chamber of Commerce; the state Building and Construction Trades Council; Shell; Getty (also a member of the oil consortium); the eleven other consortium oil companies; Zapata Norness; and the United States departments of Commerce and Treasury. Arguments against the bill invoked the importance of economic growth, the need to fill the projected energy requirements of the East Coast, the promise of jobs and tax revenues, and the ubiquitous "national interest."

"All of us . . . are caught at a critical point in time," said a Shell vice president at a hearing before committees of the Delaware legislature. "On the one hand, we have the crisis of the environment. And that is a very real thing. On the other hand, we have a growing energy crisis. That, too, is very real. These two crises have the potential for meeting on a collision course. It is my belief that such a collision does not have to occur."

The crux of Shell's argument was that industries should not be banned by class, but rather each industrial proposal should be considered on its individual merits. Shell asserted it could build a clean refinery that would not endanger the environment. To prove its point, the company invited members of the task force and the legislative committees considering the bill to visit two of its existing refineries: the Norco installation near New Orleans, nominated in 1971 for a Louisiana Wildlife Federation conservation award, and the Anacortes facility on Fidalgo Island, Washington, in Puget Sound.

Austin Heller, a task-force member and secretary of the Delaware Department of Natural Resources and Environmental Control, visited those refineries. "They were quite well maintained," he says, "but were not pollution-free by any means." The technology to build a pollution-free refinery, he states, "is not yet here."

Borrowing "a little federal muscle," Zapata Norness enlisted support from the Commerce and Treasury departments to fight the ban on its proposed offshore terminal. "Unless the United States is able to receive these [oceangoing] bulk carriers, our ability to compete will be seriously damaged," wrote a Treasury Department assistant secretary in a letter to the Delaware House of Representatives urging defeat of the zoning bill.

"It is important that a terminal be built . . . to retain United States control and flexibility, promote U.S. flagshipping, and to maintain for U.S. industry the capability to ship and receive goods at the lowest possible cost," wrote the Commerce Department's assistant secretary for maritime affairs in another letter asking rejection of the bill.

Supporting the bill were conservationists, environmentalists, and concerned Delawareans. "It's our coastline," proclaimed a mailing piece issued by a citizens' group. "Coastal zoning will save it for us and our children."

In the middle of the different merits of the debate stood the Governor, pledged to promote the state's economic well-being but equally determined to keep the bay and adjoining areas free from the proposed industrial complex.

Despite his stand, Peterson is not anti-industry, as some have charged. In fact, he comes from industry, having spent twenty-seven years at the Du Pont company as a research chemist and division manager before a mounting interest in community affairs, specifically prison reform, led him into politics. But he does believe that certain industries belong in certain areas. "We can and must be selective," he says.

Passage of the Delaware Coastal Zone Act ended the first chapter in the debate over the future of the bay. But no one considers the issue closed. At the request of the Delaware legislature, the Governor has appointed a twelve-man committee to study oil transport in the bay and river and recommend ways to decrease the danger of spills. The committee will work with the United States Department of Commerce, which is making a feasibility study of offshore transfer terminals in sea water outside state limits. Many officials in the state government expect that efforts will be made to challenge the zoning law in court or amend it to remove the ban on offshore islands. In the meantime, Peterson has initiated a move on the county level to back-zone Shell's property from its present category of heavy industry, fought for in a bitter struggle when the land was first optioned twelve years ago, to its original category of farming and general use. And a bill patterned on the Delaware act has been introduced in the New Jersey Assembly to bar heavy industry and offshore transfer facilities from the Jersey side of the bay and lower Delaware River.

Always eager to talk about the zoning act he fathered and the environmental questions it raises, Governor Peterson recently agreed to an interview in his office on the second floor of Legislative Hall in Dover, the state capital.

Sally Lindsay: I believe you have the distinction if being the only Governor in the United States who has a Ph.D. in chemistry. Have you used your science background in your job as Governor? Governor Russell W. Peterson: Yes, I've found it useful in talking about energy, about atomic energy, about fossil-fuel plants, and about the biology of the bay and the wetlands. But, more importantly, scientific training is a discipline where you look for the facts, put up certain propositions, and then test them to see if they make sense. You get trained in how to go about solving problems. And I'm convinced the longer I'm Governor, that exactly the same approach is needed in this office. It's really what applies in management in many fields. Most of my career in the Du Pont company, the last ten years anyway, was in management, and I think the background and experience were helpful. There are some other areas—being acquainted with the political forces at work, for example—that my background didn't provide. So I got clobbered a few times.

Do you think that in the future some form of scientific training might become a prerequisite for high elective office? I think that what's primarily needed is a good general education. I would not recommend that everybody running for office get a Ph.D. in chemistry. But I certainly think that anyone who is going to be a leader in the community ought to have an appreciation of the many scientific and technological factors that are involved. I don't want to be disrespectful to lawyers but I think we have a disproportionate number of them in Congress and in Governors' offices around the country. Their training is very valuable in their area, but other areas are equally important. I think a well-rounded education would be best for someone who wants a job like mine.

Your statement in connection with the Delaware coastal zoning bill that "jobs are important but so is the quality of our environment" has been widely quoted. Was the real issue, as you saw it, jobs versus environmental protection? No. It wasn't a question of either jobs or maintaining our natural environment. It was a question of whether to use the same piece of land for recreation and tourism or for one of the most rapid industrial explosions anywhere in the world. The nub of the argument was whether we should make blanket rules outlawing certain industries, like refineries, in certain areas, or whether the decision on zoning should be based on guidelines and the merits of the in-

dividual case. We say that you cannot have heavy industry in certain areas; you cannot have certain installations along the coastline. They are incompatible with other valuable uses of the land. All you need to do is drive north from Wilmington to Philadelphia up around the Marcus Hook [Pennsylvania] area, and you see a collection of storage tanks, pipes, towers, and waste-treatment lagoons. Even if you assume that this section is completely free from pollution, the question arises: "Is this compatible with the kind of environment we've built in Delaware, the kind of recreational open country we have here?" And obviously the answer is no. We have a unique setup here, a relatively unspoiled countryside. It's an asset to millions of people, not just Delawareans. In fact, tens of thousands of people from Washington and Baltimore and Philadelphia come here every year to use it, enjoy the hunting, the fishing, the swimming, the boating, the sunbathing close to the ocean. It's a tremendous asset. I therefore look upon Delaware as having a responsibility to the region—to hang on to what we have here.

At the time you made the decision to promote that bill did you consider that a political risk was involved? Oh, absolutely. Most of the reaction that I got in this office for the first few months was against me. From the state Chamber of Commerce and the oil companies directly, law firms that represent the oil companies, farmers who had sold land to the oil companies and who hoped to profit from the increased value of the land they still have, developers. They went right through to the very end fighting. It took the general public months before they began to tune in on the significance of this. Then I got more and more support for the bill. But my training and background are not such that I would weigh things on the basis of the number of votes that I thought a decision would bring.

How were you able to withstand the combined pressure of all those highly organized interest groups when the bill was under discussion? We were just persistent. Fortunately, we had a majority of the votes in both houses. They did a lot of talking and a lot of arguing about it. After the bill got through the House, we had a major problem in the Senate. There was a whole bunch of attempts to amend it. But each amendment was voted down, some of the critical ones by just one vote. The bill finally went through with a few votes to spare. But the pressure will be on for a long time to come. For many, many years. One of the people in the oil companies has been quoted as saying, "We will be around here a lot longer than Peterson will." [Delaware Governors are limited to two four-year terms.]

Former Secretary of Commerce Maurice H. Stans is reported to have said, "You are interfering with the prosperity and security of America." How did he become involved, and what was your response to that statement of his? I don't remember his using precisely those words. He did ask about my loyalty to our region and to our country. He stressed that we needed to have energy in America, we needed to have petroleum coming in, we needed to have a good merchant marine. And therefore we needed ports that could take the big, new, deep-draft vessels. I told him yes, I agreed that some of those things were important. But it was equally important to have some of the open environment we have in Delaware. That was vital to the people. And we ought to put that on the scales along with these other factors to decide which was going to get priority.

Were you able to get him to change his mind when you met with him in Washington? No. When I first went to see him, he wanted to convince me to drop the entire idea of excluding refineries, basic steel mills, and basic pulp mills. I made it clear that the whole objective was to be sure we didn't have those enterprises in this area. That was the

whole purpose of the bill. When I left he said, "Let me ask one thing of you; don't exclude the offshore [coal and iron ore] unloading stations." I told him that I would think about it. And I did. And I decided that we ought to exclude those things, too.

Can you imagine a time within the next four years when you might change your mind about offshore oil terminals and a pipeline running to refineries on the coast? Right now I can't. But I'm willing to listen. We have a committee studying how we can move oil that goes up our bay and river more safely. The practice now is for large and medium-sized vessels to come a few miles into the mouth of the bay to get into some deep water and away from the rough seas. They then partially unload onto barges. When the tanker's draft is small enough, the lightened tanker and the barges move up the bay and river to the refineries. That's a hazardous operation. Any day we might have a major oil spill and we're worried about it. I'm sure the committee will consider such things as an offshore unloading station with a pipeline. They also will consider what, in my opinion, might be a reasonable solution—that is, to have a boom [a floating ring] around the area so that until the transfer onto barges is completed the entire procedure is enclosed. Then if a spill occurs, it can be cleaned up before the vessels move out. And traffic might be restricted only to barges moving up the bay and river. They move under the control of a tug and can be manipulated and handled much more safely. That's just one of several possibilities that could avoid a pipeline running up the river and bay.

How would you propose that the country meet its energy demands as projected for the next decade? I think moving to nuclear plants is the way to do it. Nuclear power plants will be the most economical ones and, in my opinion, the ones that will contribute the least pollution—less pollution, at least, than using fuel oil.

The problem of getting rid of the radioactive waste products has not been solved yet, has it? The magnitude of that problem, in my opinion, is less than the problem of the sulfur dioxide and sulfur trioxide that is coming out of the stacks now in our present fossil-fueled power plants. Much of the radioactive waste can be reprocessed and some of the material reused. I believe that putting nuclear plants off the coast, as the Public Service Commission of New Jersey is now investigating, has a lot of merit. Thermal pollution is one of the key problems. A lot of heat is generated in a nuclear plant and a lot of water is needed to cool it. If you go out several miles off the coast where there is a tremendous quantity of water moving back and forth, thermal pollution should be an insignificant problem. Then all you need to run to the shore is an electric cable.

Does the state of Delaware at the moment have any control over reckless development of its coastal area for the purposes of tourism and recreation? Do you have any way of seeing that your coast doesn't become a solid line of motels and hot-dog stands? We certainly don't want that to happen. Local zoning has the responsibility for that. So far they've done a pretty good job in Delaware compared to some of the other states. The local Chambers of Commerce are very, very diligent in setting up their own guidelines to be sure they don't ruin a good thing. But we have no state authority to stop somebody from putting up a hot-dog stand where it shouldn't be.

In your opinion, is there some cutoff point in population growth and industrial development of any kind beyond which Delaware should not go? I don't have any quantitative target but I have a qualitative concern. It is that we should not endeavor to win some record for building up the population of Delaware. I think that much of what makes

our state attractive is dependent upon our not having too many people living here. I think it's important that we provide jobs and opportunities for our own growing population. However, we're not living in a little world all by ourselves. If we have attractive opportunities here people from outside are going to want to move to Delaware, as they have been doing. But I think it would be dead wrong to have some objective of getting the maximum number of industrial establishments here in order to build up our population.

Would you go as far as the Governor of Oregon who said, "I'd like to have you visit, but please don't come to stay"? I wouldn't go quite that far, no.

Oil refineries and steel and paper mills have to go somewhere. Where would you put them? Well, let's talk about oil refineries. I think that existing refineries could markedly increase their capacity. I had the assignment at Du Pont of increasing the capacity of major plants. It's done repeatedly. People say, we can't increase any more than we've already done. Then someone says do it, and it gets done. We have already allocated a certain amount of space to the operation of refineries, and the challenge ought to be to use that space much more effectively instead of messing up some other land around our country. We need to give high priority to some of the other aspects of living, such as enjoying the beaches and the hunting and the fishing and the open spaces. If we give enough priority to those aspects of life, you can bet we'll find alternate solutions to these other problems. I think it's very important that all over America—all over the world, for that matter—people start drawing lines around choice pieces of real estate and say, look, this is off limits for certain kinds of operations.

If the new industrial plants that will be needed are forced to locate in places where it's uneconomic to operate, everything will cost more. Do you think the public is ready and willing to pay more for such things as electric power? I think absolutely that the public is willing and able to pay more to gain this recreational opportunity.

Do you see a way to reconcile growth and environmental protection? Yes. I think population growth in the world—in America—is one of the major problems that leads to fouling up our environment. I believe that a reasonable control over the population is in order. That's why I've been a strong proponent of Planned Parenthood. The tremendous explosion of population in any one area is bound to cause problems with the environment. Take this Delaware coastal zone. If a hundred times more people came to enjoy the hunting, the fishing, the swimming, and the boating here, it would not be a very attractive spot.

How long do you think as highly attractive a piece of real estate as Delaware can protect itself against the persistent incursions of industry? Well, look what's happened in New York City. Central Park is still there. You have a tremendous pressure for building space. Higher and higher office buildings go up all around the park, but still there's a hunk of land right there in the center of the city that people have decided to hang on to.

Do you anticipate a time when the United States might have a national policy concerning land use and energy growth? That's a possibility. We already have a national policy on the interstate arteries of transportation, the highways, the airways, and the waterways. I hope, though, that we don't get to the point where the federal government starts dictating where private enterprise can and should be located in a state or a county. But there can be some legitimate arguments in favor of federal government involvement in this area.

What, in your opinion, can the average citizen who has no political clout do to pro-

tect the environment in this country? If you have enough citizens who are determined to protect the environment, and we do have, they can organize so that they do have political clout. One thing that has been driven home to me in the three years I've been Governor is that our democratic process does work. When people really get exercised about something, their representatives respond. If a substantial number of people believe in cleaning up our environment, and if they work at it, they will be heard.

Mr. EAGLETON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, pending the arrival of the distinguished Senator from Alaska in the Chamber in connection with his amendment, I wish to insert in the Record a few comments relative to the concerns that were expressed by members of other jurisdictional committees, specifically the Committee on Banking, Housing, and Urban Affairs, the Committee on Public Works, and the Committee on Interior and Insular Affairs.

With respect to matters of municipalities and regional development, the overall approach of this particular bill is conformance with the land use bill submitted by the administration and sponsored by the distinguished Senator from Washington (Mr. Jackson). We have tried our very best to dovetail, should the land use bill be enacted by this Congress, so that the coastal zone bill would be hand in glove with it.

Additionally, with respect to the urban spiral in housing, we have not tried to preempt the committee having jurisdiction in that regard. As a former member of the Committee on Banking, Housing, and Urban Affairs I assure my colleagues that this bill would give appropriate recognition to our housing and community development needs, as well as the needs of our coastal zones.

I believe the legislative history of the measure clearly indicates we intend that the Coastal Zone Act be administered in a way to reflect the concerns of HUD and other public agencies which have planning and development missions.

The statutory language indicates that the bill aims to protect our critical coastal marine areas, and would restrict its jurisdiction inland. The report accompanying the bill specifically states that the coastal zone—Extends inland only to the extent necessary to allow the management program to control shorelands whose use have a direct and significant impact upon the coastal water.

In any event, I would anticipate that the officials carrying out this act would work cooperatively with other officials of Federal, State, and local governments in expanding social opportunities and in enhancing the quality of life.

The fact is that the bill was encompassed in S. 582. Pending the hearing last year, and also reported with approval by the Committee on Commerce, it stayed

on the calendar for some time. It was felt that the definition of "coastal zone" went too far inland.

We thought we had reconciled the concern with the 7-mile limitation. I had to agree this went into too many things. It was a matter of interest to the Committee on Banking, Housing, and Urban Affairs. I had a discussion with the distinguished chairman, the Senator from Alabama (Mr. SPARKMAN) on the point. The bill is designed not to have any conflict there.

The cities themselves approved, in a general sense, the particular measure in the original hearings. The mayor of the city of Newport Beach, Calif., came forward and said it was not permissive for participation and did not encompass in its approach the use of local governments. So we went back through the bill and included in every respect the terminology "local government" so that wherever possible there be no misunderstanding.

On page 9, section 305, subsection (g) it is now stated:

(g) With the approval of the Secretary the coastal State may allocate to a local government, . . .

On page 11, under subsection 306:

"(1) The coastal State has developed and adopted a management program for its coastal zone in accordance with rules and regulations promulgated by the Secretary, which shall be in accordance with the objectives of this Act, after notice, and with the opportunity of full participation by relevant Federal agencies, coastal State agencies, local governments, regional organizations, port authorities, and other interested parties, public and private, which is adequate to carry out the purposes of this title.

Again we included the reference to local governments.

On page 12, section 306, subsection (d), at about line 20, it is stated:

(d) Prior to granting approval of the management program, the Secretary shall find that the coastal State, acting through its chosen agency or agencies (including local governments), . . .

So, in fact, as stated—and this would later become law—the city government can be the entity designated by the Governor himself as the coastal zone management agency.

In addition to that, Mr. President, we provided certain flexibility in the bill with respect to whether or not it could be a State group, a local group, or some already established group, to act as the coastal authority. We had testimony with respect to the State of New York that the New York Port Authority was probably the best agency within the State of New York; it had complete authority with respect to coastal zone problems, development, pollution, the Corps of Engineers, water quality, navigation, and almost everything else; and it could be that it would be the State-designated agency.

Mr. President, at this time I yield to the Senator from Rhode Island.

Mr. PELL. Mr. President, I thank the distinguished Senator from South Carolina for yielding.

At this point I send to the desk an amendment on behalf of the Senator from Massachusetts (Mr. KENNEDY), for himself, the Senator from Wisconsin

(Mr. NELSON), the Senator from New Hampshire (Mr. MCINTYRE) the Senator from New Jersey (Mr. WILLIAMS), the Senator from South Carolina (Mr. HOLLINGS) and myself.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. PELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 26, after line 19, insert the following:

SEC. 316. (c) The Administrator of the National Oceanic and Atmospheric Administration of the Department of Commerce, after consultation with the Secretary of the Interior, shall enter into appropriate arrangements with the National Academy of Sciences to undertake a full investigation of the environmental hazards attendant on offshore oil drilling on the Atlantic Outer Continental Shelf. Such study should take into consideration the recreational, marine resources, ecological, esthetic, and research values which might be imparted by the proposed drilling, as well as alternatives to such drilling in meeting the Nation's energy needs. A report shall be made to the Congress, to the Administrator, and to the Secretary by July 1, 1973.

There are authorized to be appropriated for the fiscal year in which this Act is enacted and for the next fiscal year thereafter such sums as may be necessary to carry out this section, but the sums appropriated may not exceed \$500,000.

Mr. PELL. Mr. President, this amendment authorizes a study by the National Academy of Sciences as to the risks of offshore oil drilling on the outer Continental Shelf.

The Administrator of NOAA, after consultation with the Secretary of the Interior, would be authorized to make arrangements with the National Academy for the study with a due date back for a report of July 1, 1973.

The cost is \$500,000; and it does not call for a moratorium, it calls for a study.

Mr. HOLLINGS. Mr. President, I heard the distinguished Senator from Massachusetts at one time urge that the National Oceanic and Atmospheric Administration conduct a study. This is a NOAA bill. I understand the Senator has consulted with other Senators and they agree that NOAA should arrange with the National Academy of Sciences for this study.

Mr. PELL. This would be the thinking of those who press the amendment; yes.

Mr. HOLLINGS. I say to the Senator from Rhode Island I would like to go along with the amendment. I think we would, if given a little time for Senators who are members of the Committee on Interior and Insular Affairs to consider it. I think some of the Senator's cosponsors are members, but I have just been informed that members have not considered it specifically. If the Senator will complete his remarks I believe I can more intelligently comment, and if need be, we can request a quorum and see if the matter can be worked out.

Mr. PELL. Absolutely. I realize that the committee did not take any action on this matter earlier, since it had closed the hearings on the bill, but I share, and so do the other cosponsors, the concern of the Senator from Massachusetts (Mr. KENNEDY) that an independent study of the potential risks of offshore oil drilling on the Atlantic Continental Shelf should be available to the Congress.

The National Academy of Sciences is a prestigious and competent organization which will enable the Congress to consider the proposals for offshore oil drilling with full knowledge of the potential risks involved.

The study would take into consideration the recreational, marine resources, ecological, esthetic, and research values which might be impaired by the proposed drilling, as well as alternatives to such drilling.

The magnitude of the possible effects of offshore oil drilling cannot be underestimated. For that reason, it is essential that we have the results of independent analyses of the potential impact of such drilling before it is begun.

While a few of us here would also like to see a moratorium, this is not what we are pressing for at this time. We are pressing the idea of this study, and we hope that our friends on the Committee on Interior and Insular Affairs may also accept this idea as perhaps a middle ground for the moment.

I would ask unanimous consent that the statement by Senator KENNEDY, and correspondence from east coast Governors and knowledgeable scientists, be included in the RECORD at this time. Senator KENNEDY originally introduced this amendment in December and the revised version is being introduced today to correspond to the bill S. 3507 reported by the Commerce Committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR KENNEDY

I am introducing an amendment to the Coastal Zone Management bill S. 3507 reported by the Commerce Committee to provide for a year-long study by the National Academy of Sciences of the environmental risks, the risks to fishing and the risks to recreational areas of offshore oil drilling on the Atlantic outer continental shelf. The \$500,000 study also would explore alternatives to offshore oil drilling in meeting the nation's energy needs.

Mr. President, this is an amendment similar to the one I introduced in December 1971, to the earlier version of this same measure.

The amendment would authorize the Administrator of the National Oceanic and Atmospheric Administration of the Department of Commerce, after consultation with the Secretary of the Interior, to finance a detailed National Academy of Sciences study of this subject.

In this way, the Congress and the nation could be sure that any action taken by the government with regard to offshore drilling in the Atlantic will follow an independent analysis of the possible risks from such a venture.

Currently, the Secretary of the Interior has indicated that internal studies of environmental and other risks related to offshore drilling are underway within the Department. And he notes that public hearings on the matter will be held.

However, it seems clear that a fully independent study by competent scientists will further the public knowledge on this matter.

In that regard, let me repeat the statement of the U.S. representative at a recent United Nations conference. His opening words were: "Subsea mineral exploitation inevitably carries the potential to create hazards to other uses of the sea and to damage other marine resources."

The extent of that risk should be fully evaluated before the nation even considers the possibility of extending the dangers of oil drilling to the Atlantic Continental Shelf, adjacent to the heavily populated eastern seaboard of this country.

The potential dangers not only to the beaches of Atlantic coast states but to the rich fishing grounds off our New England shores requires the utmost caution in any endeavor of this nature.

We already have seen the horror of a Santa Barbara oil blowout. We cannot afford a similar catastrophe off Boston or New York or Charleston.

For that reason, I believe an independent inquiry by the National Academy, which previously has indicated its competence and willingness to undertake such a study, is essential. In addition, I would note that while Secretary of Interior Morton has not requested funds for such a study he stated at a Congressional briefing that he personally would favor such an inquiry.

In addition, I would note that correspondence from several East Coast Governors as well as from prestigious university and scientific institutes, indicates virtually unanimous support for such a study.

(I ask unanimous consent to attach at the conclusion of my remarks correspondence on this matter).

The need for an independent evaluation which would be available to the Congress, to the NOAA administrator and to the Secretary of the Interior is made even more evident by our recent experience with solely governmental studies.

Too often, competent and relevant studies which could help the Congress to draft intelligent public policies have been withheld because the conclusions conflict with the official Administration posture.

We have seen that occur with regard to studies on the SST. We have seen it occur with the U.S. Geological Survey and Council of Environmental Quality comments on the Amchitka underground nuclear test. And we have seen it occur most recently in another area when the Labor Department buried a scathing indictment of its Rural Manpower Service.

Even when the most capable government scientists and professional employees are involved in a study, the Congress cannot be assured that it will benefit because the conclusions of those investigations may never see the light of day.

When this becomes a matter of routine, then we must obtain independent analyses which will provide us with the necessary data for rational decision-making.

For these reasons, I believe the Congress must acquire sufficient information upon which to judge Interior Department assertions concerning both the need for and the danger of Atlantic Coast offshore drilling.

Therefore, I am offering this amendment

COLLEGE OF CHARLESTON,
GRICE MARINE BIOLOGICAL LABORATORY,
Charleston, S.C., February 10, 1972.
Senator EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: This is in reference to your letter of January 14, 1972, concerning the leasing of oil-drilling rights on the Atlantic continental shelf. I applaud your concern for the welfare of the marine environment and hope that similar interest

will be generated among other members of Congress.

The varied habitats of the continental shelf support large populations of commercially important organisms. Large numbers of Americans are dependent upon these organisms either directly or indirectly for their subsistence. Any drastic upset, such as an oil spill, of the delicate balances and interdependencies of this marine ecosystem would endanger the biological productivity of an extensive area and could possibly wreak havoc on coastal property. Due to the nature of the currents, the results of an oil spill in the western Atlantic would be shared by many nations. Ocean pollution in any form is a world-wide problem.

I feel that offshore drilling is potentially dangerous to the marine environment. We should have learned from the Santa Barbara and tanker disasters that we must find ways to protect the marine environment. Protection, not compensation for damage done, should be the policy. Alternate sources of oil with fewer dangers of environmental degradation are available and should be utilized, even if more expensive. One may put a monetary value on a single year's shrimp harvest, but no one can do more than estimate the dollar value of the entire western Atlantic marine environment. I urge caution and restraint in any offshore oil leasing. The good of the nation, and indeed that of all nations, must not be sacrificed for the gain of a few.

Once again, I applaud your concern, and I hope that I shall be able to commend your actions on this and similar problems in the future.

Yours very truly,
WILLIAM D. ANDERSON, Jr.,
Associate Professor.

STATE OF MARYLAND,
EXECUTIVE DEPARTMENT,
Annapolis, Md., December 14, 1971.
The Honorable EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Thank you for your letter of November 22, 1971 expressing your concern about the possibility of offshore oil drilling in the Atlantic Ocean.

On that same date, I addressed a letter to Secretary of the Interior, Rogers C. B. Morton, in response to the telegram you mentioned. I advised Secretary Morton that the State of Maryland is vitally concerned about the plans for the outer continental shelf and informed him that I would be glad to meet at a mutually convenient time for the purpose of exchanging information leading to an appropriate course of action.

When I meet with the Secretary, I will try to impress upon him the need for competent and independent environmental studies as you suggest.

Sincerely,
MARVIN MANDEL, Governor

STATE OF NORTH CAROLINA,
GOVERNOR'S OFFICE,
Raleigh, N.C., December 16, 1971.
Hon. EDWARD M. KENNEDY,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: Thank you very much for your letter of November 22 calling my attention to the need for further studies relating to environmental protection associated with exploration for oil off the Atlantic Continental Shelf.

I am attaching a copy of my letter to the Secretary of the Interior responding to his telegram of November 4 informing me of his Department's plans regarding off-shore oil drilling in the Atlantic and inviting me to attend a meeting to discuss this subject. You will note that I recognize both our needs for additional proven oil reserves and for the need to protect our environment while ex-

ploring for these reserves. North Carolina's ocean-oriented coastal tourist industry and our commercial fishing industry could hardly afford the massive damage that might be associated with poorly-planned oil exploration.

Accordingly, I am pleased to join you in urging that the National Academy of Sciences and the Environmental Protection Agency carry out independent studies of off-shore oil drilling, with particular emphasis on the specific conditions that pertain off the Atlantic coast of the United States. I can readily see that oil exploration in an environment characterized by frequent storms and common high energy waves will be much different from that undertaken in the Gulf of Mexico.

The need for environmental protection measures during oil exploration was recognized in a bill considered by our legislature last spring and which I backed. Unfortunately, this bill was not passed. Please rest assured that if such studies are carried out, North Carolina will participate in them to the maximum extent that she is able.

May I express my thanks for your concern for our State's environment.

Cordially,
ROBERT W. SCOTT.

STATE OF NORTH CAROLINA,
GOVERNOR'S OFFICE,
Raleigh, N.C., December 16, 1971.
The Honorable ROGERS C. B. MORTON,
Secretary of Interior,
Washington, D.C.

DEAR MR. MORTON: I appreciate your telegram of November 4 concerning your proposal for a meeting of Governors of East Coast states for the purpose of discussing the sale of leases for oil exploration off the east coast of the United States.

Please be advised that I would be most happy to attend a meeting to discuss this important subject. My mind is open concerning the matter of exploration for oil off the Atlantic Continental Shelf. I realize, on the one hand, our nation's tremendous needs for proven energy reserves and, on the other hand, I understand fully the potential environmental damage that can result from uncontrolled and careless exploration and exploitation.

North Carolina will most certainly want to be represented at any meeting where a discussion of oil exploration off the Atlantic Continental Shelf is held. I urge that the subject matter of such a meeting be expanded to include the development of plans for adequate measures to protect environmental quality during such exploration and during any subsequent commercial exploitation of reserves.

Cordially,
ROBERT W. SCOTT.

STATE OF DELAWARE,
EXECUTIVE DEPARTMENT,
Dover, Del., December 22, 1971.
The Honorable EDWARD M. KENNEDY,
U.S. Senator,
United States Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: I appreciate receiving a letter of November 22 expressing your concern about offshore oil drilling in the Atlantic. We are especially sensitive to any activity along the eastern seaboard which might seriously impair the quality of the ocean environment.

I have appointed Austin N. Heller, Secretary for the Department of Natural Resources and Environmental Control as a representative to the Department of the Interior in matters concerning offshore oil drilling in the Atlantic. Thereby, I shall be kept apprised of any study to be undertaken and any decision to be reached with respect to offshore oil drilling in the Atlantic.

We in Delaware, have taken a special precaution to protect our coastal zone. Earlier this year we passed a landmark piece of legislation, H. R. 300. I am attaching a copy for your information. Prior to the passage of this act, I had convened a task force on marine and coastal affairs headed by Dr. James M. Wakelin, Jr., a renowned oceanographer. A preliminary report dealing with the coastal zone and its management has been completed. I have also attached a copy of that report for your guidance. We expect to issue sometime in 1972, a more detailed report from that study group. I shall be pleased to forward a copy of that report to you.

We have taken another step in our State to protect the offshore that lies within our jurisdiction. In 1972, we passed a regulation dealing with oil and mineral exploration. I believe you will find this comprehensive document of interest to you. I have also attached a copy of this regulation for you.

I share your concern for adequate environmental studies before a permit is issued for offshore oil drilling in the Atlantic. I am convinced that such studies will, in fact, be carried out. We shall keep an ever mindful eye on this very important issue.

Sincerely,

RUSSELL W. PETERSON, Governor.

STATE OF NEW JERSEY,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Trenton, N.J., December 28, 1971.

HON. EDWARD M. KENNEDY,
U.S. Senator, U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Governor Cahill has noted and referred to our attention your letter of November 22 concerning the tentative plans of the Department of Interior to permit off-shore oil drilling along the Atlantic Seaboard.

For many years the State Geologist has been advising oil companies and others interested in exploring for oil as to State regulations, probable areas for exploration and general geological conditions. The evidence so far accumulated strongly suggests that oil will not be found within the territorial three mile limit of New Jersey.

Some states are claiming jurisdiction beyond the three mile limit and New Jersey is in agreement with other maritime states that if any state is granted off-shore jurisdiction beyond the three mile limit New Jersey wishes to be given equal rights.

Comparison of conditions off the New Jersey coast within or beyond the three mile limit to conditions resulting in the Santa Barbara oil spill area are based on a lack of knowledge concerning the off-shore geology. Off the New Jersey coast, faults and related geologic structure found off the California coast do not occur. A far greater danger to New Jersey beaches are oil spills from the super tankers. The volume of oil from a single tanker accident will considerably exceed any potential spill from an off-shore drilling platform.

New Jersey has statutory powers to control or even prohibit off-shore drilling sufficient to protect our beaches. In particular, we also have authority to force a clean up of an oil spill whether from a tanker or off-shore drilling.

At the present time we feel that it would be premature to take a position on off-shore drilling until we have had adequate time to conduct our own investigations and evaluated the many governmental and independent studies that I am sure will be undertaken before the granting of oil leases is permitted by the Secretary of Interior. This Department would favor as much investigation by any agency to factually and unemotionally determine the environmental risks entailed by off-shore drilling.

Very truly yours,

CHARLES M. PIKE, Director.

COMMONWEALTH OF PENNSYLVANIA.

OFFICE OF THE GOVERNOR,

Harrisburg, Pa., December 9, 1971.

HON. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR TED: Appreciate your recent letter regarding the request of the Department of the Interior for my comments on their tentative plans to permit off-shore oil drilling in the Atlantic.

I share the same concerns you do and feel that the present program of the Department of the Interior may have to be extended considerably in order to protect the environment.

Your suggestion for independent studies of the hazards of off-shore drilling is a sound one which will receive my support.

Sincerely,

MILTON J. SHAPP, Governor.

SKIDAWAY INSTITUTE OF
OCEANOGRAPHY,
UNIVERSITY SYSTEM OF GEORGIA,
Savannah, Ga., February 2, 1972.

HON. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: The following is in answer to your letter of January 14, 1972, requesting comment on the potential environmental hazard of offshore drilling in the Atlantic.

As a matter of background, it should be pointed out that the entire coast of Georgia and parts of South Carolina and Florida are characterized by extensive salt marshes. These are protected from the ocean by barrier islands. An average tidal amplitude of 7 ft. causes approximately 20 percent of the volume within the marshes to flush with each tidal cycle. Back and forth sloshing causes the remaining 80 percent of the water to move back and forth resulting in considerable dispersion of floating debris. Marshes are the spawning grounds of major offshore fisheries and are, or can be made, major producers of shell fish and shrimp. These fisheries depend, to a great extent, on the invertebrate fauna of the marshes for food. Significant quantities of organic matter produced within marshes is added annually to continental shelf areas and helps maintain fisheries there. In addition, since much of the South Carolina and Georgia coastlines are low lying, the marshes impose a physical barrier to wave action from the open sea and help buffer the effects of hurricanes and storms which may otherwise cause more extensive coastal flooding.

We are, unfortunately, not in a position to say what the effect of a major oil spill would be on the coastal marsh system. Based on data of British scientists, it is unlikely that there would be a major effect on the marsh grass per se, unless the oil were heavily concentrated and came ashore as a block. In most regions this type of a spill is visible and the effects have serious aesthetic and monetary consequences directly related to the spoilage of beaches, anchorages, etc.

Most of the Georgia coastline is not scrutinized daily and major spills might go unnoticed for some time. The effect of oil on marine life is not clear, and the data contradictory. Mass mortalities of shell fish were demonstrated in the W. Falmouth, Ma., spill but not in the Santa Barbara blowout. In the latter, the most serious visible mortality was to sea birds. The W. Falmouth area is more directly comparable to the Georgia coastline than Santa Barbara since the coastal waters are shallow, not exceeding 200 ft. until 80 miles offshore. The chances of oil mixing vertically to the bottom in these areas is greater than in the deeper waters off California and thus a more direct effect on wildlife on the continental shelf might be expected.

Once oil reaches the marshes one can expect that major mortalities would occur to

shellfish and shrimp and that most of the smaller invertebrate fauna of the marshes would be eliminated. The effect of a single injection of oil to this environment would be greatly amplified because tidal action in semi-restricted waters would distribute the oil over a much larger area than would occur on an open shoreline. If the spill reached shore on an above average high tide (spring tides), it would remain intact until comparable high tides occurred many months later. Additionally, I can conceive of no way that oil could be dispersed or collected once it reached the marsh. Unquestionably, it would have to be intercepted offshore before it reached this environment. The time it would take for the environment to recover after a spill would be variable depending on the tidal and wind conditions at the time of occurrence. We are not in a position to estimate what this time might be. It is an area of badly needed research.

We feel strongly that your recommendation that the Academy of Science initiate studies preceding oil leasing action is a solid one. Yet, at this point in time, I doubt that the group could do more than guess, as I have above, on the environmental impact of a major oil disaster.

Sincerely,

DAVID MENZEL, Director.

COMMONWEALTH OF VIRGINIA,
VIRGINIA INSTITUTE OF MARINE SCIENCE,
Wachapreague, Va., January 20, 1972.

Senator EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SIR: I received your letter of January 14 regarding environmental risks attendant to offshore oil drilling in the Atlantic. Needless to say, the past performance of the oil industry has given good reason for expecting catastrophic problems to the local environment. This obviously should not be. An oil well, working properly, without fire, spills, blowouts, etc., should cause relatively little damage to the environment. I am inclined to think that good tough legislation, with teeth, could force the oil companies to use techniques that would prevent problems. If a company knew that a fine would be assessed for every square acre of oil pollution per day, plus the cost of clean up, I believe they would take special pains to prevent spills and blowouts. The oil companies should realize their responsibilities to maintain a clean environment. The costs of failure should be so great that no short-cut methods could be considered.

Provided proper legislation and safeguards are in force, I would rather see oil wells off our Atlantic coast instead of an oil line across Alaska.

I am in favor of a two year moratorium on establishment of marine sanctuaries. This is well worthwhile. I wonder if perhaps a study on conservation of fossil fuels might be just as important. It is unfortunate that a tax could not be imposed that would increase with increased use of oil; for instance, a tax of 7¢ per gallon for the first 1000 gallons and double with each succeeding 1000 gallon unit.

Thank you for your letter. I hope this information is of some value.

Sincerely,

MICHAEL CASTAGNA,
Scientist in Charge.

ENVIRONMENTAL DEFENSE FUND,
East Setauket, N.Y., January 21, 1972.

Senator EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Thank you for your letter of January 14th in which you discussed the Interior Department's plans to lease oil drilling rights along the Atlantic coastline.

Although the Environmental Defense Fund

is not yet involved in legal action to oppose such exploitation of offshore oil resources, we are certainly not in favor of the plan. With the almost daily news items announcing oil spills, beach contamination, and wildlife mortality due to floating oil, we believe that much improvement in the technology for producing and transporting petroleum products is necessary before the Atlantic shoreline should be exposed to the considerable risks inherent in offshore oil drilling.

I believe the Natural Resources Defense Council in New York City is very much concerned with the offshore oil drilling problem, and I suggest that you might wish to contact them as well as our own organization in this connection.

We certainly are in favor of the efforts you are making to protect the Atlantic shoreline ecosystem from the threat of oil contamination, and will greatly appreciate being kept informed of future developments in which you are involved.

With many thanks for your interest,

Very sincerely,

DENNIS PULESTON,
Chairman, Board of Trustees.

AMERICAN LITTORAL SOCIETY,
Highlands, N.J., February 29, 1972.

Senator EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: We are happy to submit comments on Atlantic Coast offshore drilling as requested in your letter of January 14 to John Storr, who has asked me to answer in his stead.

Our organization is not convinced that American companies can extract oil from offshore without routine oil spills and periodic drastic spills and blowouts. Nor are we convinced that companies care to conform to federal laws for offshore drilling (see the storm choke fiasco in the Gulf).

We are concerned because east coast marine resources are much more fragile and more susceptible to spills than the west coast resources. The east coast is a thin ribbon of marsh and estuary, dotted with inlets. Oil on rocks and beaches causes nowhere near the environmental damage that oil in the Chesapeake or Pamlico Sound would cause. See Blumer's work at Woods Hole, where a marsh two years after a spill has not recovered its productivity.

We are not convinced that "national defense" demands the exploitation of east coast continental shelf oil deposits now. The big push for deepwater ports and deep draft tankers in Maine, New Jersey, and Maryland/Virginia is also backed by the national defense argument. I don't think it makes sense.

Sincerely,

D. W. BENNETT,
Conservation Director.

STATE OF MAINE,
DEPARTMENT OF SEA AND
SHORE FISHERIES,

Augusta, Maine, February 4, 1972.

The Honorable EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Thank you for the opportunity to discuss the proposed leasing of oil drilling rights on the Atlantic Coast. As you may know, we have had some rather disastrous oil spills in Maine in fairly recent years; and with the oil handling facilities at South Portland and at Searsport in Penobscot Bay, the coastal waters are almost chronically subject to spills of varying magnitudes.

We have worked cooperatively in evaluating results of these spills with EPA, FDA, Maine institutions and agencies, and WHOI. Results of some of this research point up

very clearly the disastrous effects of oil spills even though they are listed as small or less than moderate.

On the basis of periodic surveys of Long Cove, Searsport, following the March 1971 oil spill, it has been determined that approximately 5,400 bushels of clams had died from the oil contamination by November 2, 1971. Mortalities are still in progress. The surviving population, as of November 2, was estimated to be 17,732 bushels—down from a pre-spill standing crop of more than 23,000 bushels. Oil-associated mortalities represent 23 percent of the March population.

Six percent of the oil-contaminated clams collected from this area on July 7 and August 3, 1971, for histopathological examination contained gonadal tumors. All sampling stations on the west side of the cove were positive in both months. On the east side only the most northerly station was positive, and then only in August.

Tumor incidence decreased from 27 percent near the source of the contamination at the head of the cove to zero at the most distant station on the northern end of Sears Island.

Although affected clams at the same stations declined from 17 percent in August, the extent of the area affected has increased. Since clam mortality has been progressive, it can be assumed that some clams with tumors at the time of the July sampling may have died before August collections were made, and that the rate of tumor development may also have declined in those areas, which were affected initially.

A preliminary report on a third histopathological sample collected in January 1972 indicates that tumors are now developing in other soft parts of the clam. With oil residues in the sediments of Long Cove, the probability of any reproduction surviving in the area becomes increasingly unlikely. If the cover becomes suitable for clam survival at some future time, it will require at least five additional years to produce a commercial crop. Therefore, the monetary loss becomes an annual loss rather than a single short-term occurrence.

Direct monetary loss to fishermen at current prices has been \$43,000. Using the average CF of 3.4 for mixed processed and wholesale products, the loss becomes nearly \$150,000. The fact that for public health reasons the surviving population cannot be used for self-cleansing, the producer loss for the entire population becomes \$185,000; and the primary wholesale or value-added loss brings the total to \$625,000.

It is of interest that the Searsport spill was reported by the Coast Guard to be "less than moderate and not more than 1½ barrels." Obviously it was a much greater spill than that. This lack of competence in estimating spills is a serious handicap in the evaluation of the effects.

The November 1963 loss of from 20,000 to 25,000 barrels of crude in a daylight grounding of a tanker at the entrance of Casco Bay, Maine, resulted in some forty miles of shoreline being grossly contaminated, including five lobster pounds that were loaded nearly to capacity with lobsters. At the time, we estimated it would cost between \$4 and \$7 million to clean effectively the area contaminated. This sum, of course, was not spent, and the residues of the oil are still visible in at least one of the lobster pounds.

In view of the obvious short-term benefits of oil and the need for intelligent research into alternative sources of energy, it would be most disastrous to destroy a potential of marine, food and drug, and aquacultural development.

Sincerely yours,

ROBERT L. DOW,
Marine Research Director.

INSTITUTE OF OCEANOGRAPHY AND
MARINE BIOLOGY,
Oyster Bay, N.Y., February 19, 1972.

Senator EDWARD M. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: This Institute is opposed to off-shore drilling on the Atlantic seaboard.

Very truly yours,
WALTER E. TOLLES, Ph.D., Director.

TOWN OF SWAMPSCOTT,
OFFICE OF THE BOARD OF SELECTMEN,
Swampscott, Mass., February 10, 1972.
Senator EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: The Swampscott Board of Selectmen, at its meeting held February 3, 1972, voted unanimously to respectfully request you to vigorously oppose any legislation that would permit the drilling of oil off the New England Coast.

Very truly yours,

Board of Selectmen.

TOWN OF ROCKPORT,
BOARD OF SELECTMEN,
Rockport, Mass., March 13, 1972.
The Honorable EDWARD M. KENNEDY,
Senate Chamber,
Washington, D.C.

DEAR SENATOR KENNEDY: The Rockport Board of Selectmen voted unanimously in favor of being recorded as opposed to any legislation that would permit drilling for oil off the New England coast. Your support would be appreciated.

Very truly yours,

NICOLA A. BARLETTA,
Chairman, Board of Selectmen.

CITY OF SALEM, MASSACHUSETTS,
OFFICE OF THE CITY CLERK,
Salem, Mass., March 3, 1972.

Senator EDWARD M. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SIR: At a regular meeting of the Salem City Council held in the Council Chamber on Thursday, February 24, 1972, it was voted to oppose any legislation that would permit the drilling for oil off the New England Coast.

This action was approved by Mayor Samuel E. Zoll on March 2nd.

Very truly yours,

AUGUSTINE J. TOOMEY,
City Clerk.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask that the aisles be cleared and that staff members not talking with Senators take seats, so that we may have order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

Mr. PELL. Mr. President, I ask unanimous consent that I be permitted to modify the amendment I have offered to

the Senate in two regards: First, to delete the phrase "as well as alternatives to such drilling in meeting the Nation's energy needs," which appears in section (c), the penultimate paragraph.

The PRESIDING OFFICER. The Senator has the right to modify his amendment without unanimous consent.

Mr. PELL. I thank the Chair. I so modify the amendment, and in addition I modify it by adding the phrase "after consultation with the Secretary of the Interior and with the Administrator of the Environmental Protection Agency."

I hope that with these modifications, this amendment, offered in behalf of a group of Senators including, incidentally, the Senator from Delaware (Mr. Boggs), who has asked that his name be added as a cosponsor—

The PRESIDING OFFICER. If the Senator will send his modifications to the desk, the amendment will be so modified.

The amendment, as modified, is as follows:

On page 26, after line 19, insert the following:

Sec. 316. (c) The Administrator of the National Oceanic and Atmospheric Administration of the Department of Commerce, after consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency shall enter into appropriate arrangements with the National Academy of Sciences to undertake a full investigation of the environmental hazards attendant on offshore oil drilling on the Atlantic Outer Continental Shelf. Such study should take into consideration the recreational, marine resources, ecological, esthetic, and research values which might be impaired by the proposed drilling. A report shall be made to the Congress, to the Administrator, and to the Secretary by July 1, 1973.

(d) There are authorized to be appropriated for the fiscal year in which this Act is enacted and for the next fiscal year thereafter such sums as may be necessary to carry out this section, but the sums appropriated may not exceed \$500,000.

Mr. PELL. I hope the amendment as so modified will be acceptable to the manager of the bill and to my fellow Senators.

Mr. BOGGS. Mr. President, will the Senator yield briefly?

Mr. PELL. I yield to the Senator from Delaware.

Mr. BOGGS. As the Senator has so kindly pointed out, I have asked to be listed as a cosponsor of the amendment, and I have a brief statement at this time in support of the amendment.

Mr. President, I wish to support the amendment offered in behalf of the distinguished Senator from Massachusetts (Mr. KENNEDY). I would point out that it follows very closely the lines of S. 2892, which I introduced on November 22, 1971. That bill is cosponsored by Senators ROTH, BEALL, BROOKE, BUCKLEY, CASE, MUSKIE, and PELL.

S. 2892 authorized a detailed environmental study by three agencies, each with great expertise in matters relating to offshore oil drilling and its potential environmental effects.

The agencies involved would be the Interior Department, the National Oceanic and Atmospheric Administration, and the Environmental Protection Agency. I believe such a three-agency study would be effective and utilize the

best resources of the Federal Government.

In addition, my bill would also declare a moratorium on oceanic mineral exploration for the period of the study, which is up to 2 years, as well as for a period of 1 year after submission of the study to the Congress. Such an extra 1-year moratorium would assure the public sufficient time to evaluate the study and seek possible legislative changes, if such might be necessary.

While Senator KENNEDY's amendment is somewhat different from my bill, the intent of the two provisions appears to me to be identical.

Thus, I wish to express my support for the Senator's amendment and express my belief that it is needed to protect our valuable coastal areas.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. STEVENS. Mr. President, I am not going to belabor this issue, but it does seem to me that the impact of the amendment is to add to the total framework of the laws that we have already passed for environmental protection.

We passed a National Environmental Protection Act, and we set up an elaborate procedure—and Alaskans know just how elaborate that procedure is—for anyone who wants to propose to develop the energy resources of this country.

As I understand, the amendment says "which might be impaired by the proposed drilling."

I do not know that anyone has proposed to drill. To my knowledge, no portion of American industry has to date said, "We want to drill here on the Eastern Shore." But I think the time has come when some people had better start looking at their hole card. They have said we cannot build our Alaska pipeline; they have said they cannot drill on the Louisiana offshore lands; and now we have an independent study of the Atlantic Outer Continental Shelf, which is not even covered by this bill. This bill covers the territorial seas; it does not cover the Outer Continental Shelf. But this says someone has proposed that they ought to examine the feasibility of the Outer Continental Shelf of the Atlantic Coast to determine whether there is any energy there.

I can understand the fears that have come about as a result of the accidents off of California, and the fears of the people in Louisiana; but somewhere they have got to make up their minds that we have to find energy, American energy to meet American needs. This seems to me to be going in the wrong direction, because it adds to the functions of the Administrator of the EPA, it adds to the Council on Environmental Quality, it adds to the National Oceanic and Atmospheric Administration, and it adds to the existing duties of the Secretary of the Interior, and presumes every one of them are prejudiced. I cannot buy that at all. I cannot buy that they are prejudiced.

If there is some way, I say respectfully to the Senator from Rhode Island, that we can incorporate this into the framework of the National Academy of Sciences so that they can conduct an in-

vestigation of the total potential of the Outer Continental Shelf in the Atlantic, and not just look at the hazards attendant to the drilling. I will not object. I think they ought to be looking into the total concept of the Outer Continental Shelf. This is a negative thing, as far as I can see. I say that most respectfully to the Senator from Rhode Island.

Mr. PELL. Mr. President, if the Senator will yield there, I thought it was the wish of the Senator from Alaska and those who share his views that we delete the phrase in the amendment "as well as alternatives to such drilling in meeting the Nation's energy needs," because the original amendment which I offered did just what the Senator has suggested. It was wider in scope, however, I thought it was disagreeable to him. If he would prefer that we widen it, I would withdraw my modification.

Mr. STEVENS. I thank the Senator for his suggestion. However, that is not my point. It was suggested, I believe, by members of the Interior and Insular Affairs Committee. I understand what they are saying, because if we get into those alternatives, this study is not going to be conducted solely off the Atlantic coast but also off the Pacific coast, off the gulf coast, and everywhere else.

I am saying that if a Senator wants the National Academy of Sciences to undertake the investigation of the environment, including the environmental problems related to the concept of offshore drilling on the Outer Continental Shelf, I should think the National Academy of Sciences also ought to be in the position of telling us if there is any way to mitigate the hazards that might come about, and if there is any way to drill safely in the Atlantic Outer Continental Shelf. Why should we adopt an amendment which presumes that it could not be done without creating a hazard to the Atlantic Outer Continental Shelf?

I know that there are problems in connection with drilling offshore. Every time I travel home, I fly over platforms in the Cook Inlet. Those platforms are pumping oil to be sent to the industrial establishment of this country, basically. If we pump oil from our Cook Inlet, which is full of salmon, and we have taken the attendant risks of energy production for the good of the Nation, then I think the people on the Atlantic coast have to look at this, also. Where is the oil going to come from? They have to look at it from the positive point of view of whether we can get oil out of the Atlantic Outer Continental Shelf safely. Are there methods by which we can extract it without creating unwarranted hazards to the people on the Atlantic coast?

This assumes that someone should make a full investigation of the environmental hazards attendant to this study. What about the positive side? Does the Senator not think that the National Academy of Sciences could say what could be done to overcome the hazards?

Mr. PELL. If the Senator from Alaska would like to modify the amendment by inserting that phrase, it would be acceptable, or he may prefer the amendment as originally submitted.

Last Friday, in Boston, I had the honor of addressing a thousand people

interested in the marine and fishing industry, fishery resources, from all over the country. Those on the Atlantic coast had very real worries about the impact of offshore oil drilling, and it was brought up time and again in the course of the discussion.

The amendment simply proposes a study by an independent group. Such a study could do a great deal to help settle the fears in the minds of many people in my part of the country.

Mr. STEVENS. I appreciate that concern. My State is the richest State in terms of fishery resources. We have the constant problem in terms of difficulties in developing other resources at the same time we examine the energy resources off shore.

The courts have said that this Nation cannot develop the Louisiana offshore leases at this time. The California development is stalled. At the present time we have been stalled in the development of Alaska's oil and gas resources. Yet, we have declining energy resources throughout the interior of the United States.

Naturally, anyone in the position of looking at this energy deficit—which is not just creeping but which is overcoming us almost at the speed of a rocket—is looking at the Atlantic Outer Continental Shelf and saying, "Is it possible that there are oil and gas resources that could be recovered without undue risk to the United States?" If the Senator wants to study it from the positive point of view, in terms of whether or not oil and gas resources are there and can be recovered safely, I am in agreement.

Mr. PELL. I assure the Senator from Alaska that we, too, have needs for power in the Northeast. We find ourselves crucified by the oil import quota system now, which prevents us from purchasing inexpensive foreign fuel oil. We have a stake in trying to get cheap power. We have the most expensive power in the country because of the crucifixion of our part of the country on the cross of oil import quotas.

I hope that, just as the Senator from Alaska wanted a study concerning his area, the Senator from Alaska could agree, as a matter of comity, that this study be made for our part of the country.

Mr. STEVENS. I assure the Senator that I do not have any objection if he wants to have a study made. I think the National Academy of Sciences should be directed also to include in its study recommendations as to how to overcome such hazards, if they find there are any.

Mr. PELL. Such a modification of the amendment would be acceptable to the proponents of the amendment, if the Senator would care to offer it.

Mr. STEVENS. I suggest to the Senator from Rhode Island that he add to the end of the first sentence the words "and shall include recommendations to eliminate such environmental hazards, if any." That would meet my objection.

Mr. PELL. That modification would be acceptable to us, if the Senator would care to offer it.

Mr. STEVENS. I offer such a modification.

Mr. PELL. I can modify the amendment, and I modify it accordingly.

The PRESIDING OFFICER. The Senator has the right to modify the amendment.

Mr. STEVENS. I send the modification to the desk.

I say to the Senator from Rhode Island that, as far as the import quota is concerned, we are most aware of the concern of the east coast about the import quotas and their effect on the east coast.

I point out to the Senator from Rhode Island that if we could proceed with our Alaska pipeline and add 3 million barrels a day to the supply of American oil reaching American markets, it would automatically displace 3 million barrels a day that presently are going into the markets on the west coast and in the Midwest, and under the present import system there would be an additional supply of oil so far as the east coast is concerned. But I am becoming most concerned that the people who look at each segment of the country, whether it be Louisiana, California, or the Atlantic Outer Continental Shelf, just look at their own backyard and say, "Do not drill here, but give us some energy and give it to us quickly." We have an energy shortage, while at the same time we try to develop the oil shale reserves of Colorado and Wyoming, and we cannot do it due to environmental concerns. We cannot even build a pipeline across the State of Alaska.

We have been waiting for 2 years.

I think it is time that we started questioning the addition of more environmental barriers to the decisionmaking process of where the oil and gas supplies for our country are going to come from.

I am not going to oppose the amendment, and I appreciate his courtesy in modifying it to meet my objection. I say to the Senator from Rhode Island, respectfully, that even without this amendment, the Administrator of the Environmental Protection Agency would have studied offshore drilling. The Council on Environmental Quality would have studied offshore drilling. The Secretary of Interior would have had to have an environmental impact hearing, a total hearing—and the thousand people to whom the Senator referred could express their views. But someone would have to make a decision on a proposed project. There is no proposed project at the present time, and the National Academy of Sciences is going to be investigating the potential without anyone being willing to commit himself and say, "If we are going to do it, this is the way we want to do it."

I thank the Senator from Rhode Island for his courtesy.

The PRESIDING OFFICER. Does the Senator from Rhode Island desire the modification of the amendment stated?

Mr. PELL. Yes. I ask that my amendment be modified in line with the suggestion of the Senator from Alaska.

The amendment, as further modified, reads as follows:

On page 26, after line 19, insert the following:

Sec. 316. (c) The Administrator of the National Oceanic and Atmospheric Administration of the Department of Commerce, after consultation with the Secretary of the Interior and the Administrator of the Envi-

ronmental Protection Agency, shall enter into appropriate arrangements with the National Academy of Sciences to undertake a full investigation of the environmental hazards attendant on offshore oil drilling on the Atlantic Outer Continental Shelf. Such study should take into consideration the recreational, marine resources, ecological, esthetic, and research values which might be impaired by the proposed drilling and shall include recommendations to eliminate such environmental hazards, if any. A report shall be made to the Congress, to the Administrator, and to the Secretary by July 1, 1973.

There are authorized to be appropriated for the fiscal year in which this Act is enacted and for the next fiscal year thereafter such sums as may be necessary to carry out this section, but the sums appropriated may not exceed \$500,000.

Mr. HOLLINGS. Mr. President, I would support the amendment as modified.

While the matter of the study by the National Academy of Sciences is a new approach, the matter of study generally, relative to oil exploration on the Continental Shelf, is not new. This subject came up with respect to sanctuaries and oil pollution in the National Water Quality Control Act which is in conference. We are talking about a half-million-dollar study. The Committee on Interior and Insular Affairs expended \$400,000 to \$500,000 in doing that. It made its own study and held its own hearings at that particular time. The Secretary of the Interior reported in the press that he had no intention to grant any lease rights within the next 2-year period pending his study and intimating at that time a private study. Whatever the results would be, they would be submitted to Congress, particularly to the Senate by the Committee on Interior and Insular Affairs. If the study by the National Academy of Sciences arranged by the National Oceanic and Atmospheric Administration of the Department of Commerce in conjunction with the Interior Department and the Environmental Protection Agency would be of help, I would support it. It would certainly give more support and more credibility to the ultimate proposals on this all-important score and, therefore, I would go along with the amendment, with those comments.

Mr. MOSS. Mr. President, will the Senator from South Carolina yield?

Mr. HOLLINGS. I yield.

Mr. MOSS. Mr. President, I would be pleased to support the amendment. When the Senator from Rhode Island (Mr. PELL) was discussing the original wording it was necessary, I thought, to point out that the line included therein, which called upon the study to suggest alternatives to such drilling in meeting the necessary energy needs, was duplicative of work already being done in the National Fuels and Energy Study being conducted by the Committee on Interior and Insular Affairs pursuant to Senate Resolution 45. Moreover, since the State coastal zone management programs relate only to the territorial sea, we should, therefore, be very careful of a study which extends beyond the territorial sea to encompass the Continental Shelf. I agree that the amendment, as modified, and the additional language which has since been added, merely asks for rec-

ommendations as to how to preserve the environmental quality of the coastal zone and the nearby ocean areas. I have no objection to that. Everyone else seems to be in the act studying the environment, so it would be fine to have this study made by the National Academy of Sciences.

Mr. HOLLINGS. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROBERT C. BYRD. May I ask the distinguished manager of the bill whether it is his intention to ask for the yeas and nays on final passage of the bill?

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays just on final passage.

The yeas and nays were ordered.

Mr. BOGGS. Mr. President, the bill, S. 3507, represents the fruits of a cooperative effort involving the Commerce and Public Works Committees. I think the members of the committees and the respective staffs are to be complimented for working together in bringing this matter to the Senate.

Upon giving S. 3507 its final review, the Committee on Public Works has recommended three very short, but important, amendments to keep the coastal zone bill in harmony with other pollution control legislation which had its origin in the Public Works Committee. These amendments have been discussed with the staff of the Commerce Committee and Senator HOLLINGS and it is my understanding they are acceptable.

I think it is appropriate to give a brief description of each of these amendments and their purpose.

As stated in S. 3507 the purpose of the coastal zone management plan is primarily to regulate land and water uses in the interests of environmental quality. Pursuant to the Federal Water Pollution Control Act, the States, working together with the Federal Government, develop and implement programs necessary to achieve water quality objectives. In order to avoid confusion it is necessary to define water uses in the context of S. 3507 so that the program which will be developed by the Secretary of Commerce and State agencies will in no way conflict or overlap with the program administered by the Environmental Protection Agency in concert with State governments. The amendment proposed would define "water use" to make it clear that the coastal zone management bill in no way alters the requirements established pursuant to the Federal Water Pollution Control Act but rather that such requirements are incorporated into the coastal zone program. The scope of the Federal Water Pollution Control Act and the Coastal Zone Management Act are therefore defined and made compatible and complementary.

Another amendment is also necessary to make clear the relationship of the Coastal Zone Management Act and other environmental protection acts, specifically the Federal Water Pollution Control Act and the Clean Air Act. It is essential to avoid ambiguity on the question whether the Coastal Zone Manage-

ment Act can, in any way, be interpreted as superseding or otherwise affecting requirements established pursuant to the Federal air and water pollution control acts.

In both the Clean Air Act and the Federal Water Pollution Control Act authority is granted for effluent and emission controls and land use regulations necessary to control air and water pollution. These measures must be adhered to and enforced. Taken together, the amendments that we offer would achieve this result.

The bill, S. 3507, would establish a Federal Board to assist in coordinating the activities of various agencies of the Federal Government in meeting the objectives of coastal zone management. Perhaps through oversight the Administrator of the Environmental Protection Agency is not made a member of that Board. The third amendment, which I offer for the Public Works Committee, would add statutory membership for the Administrator of the Environmental Protection Agency.

In our judgment, it is absolutely essential that the Administrator of the Environmental Protection Agency, the primary official for environmental quality in the executive branch, be included in any activity dealing with environmental quality, especially environmental quality relating to land and water use. Among other things, this addition would make meaningful the preservation of authority under the Clean Air Act and the Federal Water Pollution Control Act as proposed in the other amendments. At the same time it would result in close coordination in implementing the objectives of pollution control and the objectives of the Coastal Zone Management Act.

Mr. President, I send the three technical amendments to the desk and ask that their reading be dispensed with.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered; and the amendments will be printed in the Record at this point.

The texts of the three amendments are as follows:

On page 24 between lines 17 and 18 insert the following new subsection:

"(e) Notwithstanding any other provision of this Act nothing in this Act shall in any way affect any requirement (1) established by the Federal Water Pollution Control Act, as amended, or the Clean Air Act, as amended, or (2) established by the Federal government or by any State or local government pursuant to such Acts. Such requirements shall be incorporated in any program developed pursuant to this Act and shall be the water pollution control and air pollution control requirements applicable to such program.

On page 17 between lines 22 and 23 insert the following new paragraph:

"(10) The Administrator of the Environmental Protection Agency.

On page 7 between lines 6 and 7 insert the following new subsection:

"(h) 'water use' means activities which are conducted in or on the water; but does not mean or include the establishment of any water quality standard or criteria or the regulation of the discharge or runoff of water pollutants except as such standards or criteria or regulations shall be incorporated in any program as provided by Sec. 314(e). --

Mr. BOGGS. Mr. President, I understand that these amendments will be accepted by the distinguished floor manager of the bill.

Mr. HOLLINGS. Mr. President, substantially, the three amendments include on the one hand the Administrator of the Environmental Protection Agency on the National Coastal Resources Board, and then spells out that, notwithstanding any other provision of the act, the provisions of the Water Pollution Control Act or the Clean Air Act shall govern. We are not trying in this particular measure to set any standards. As the third amendment says, we are not trying to spell out any criteria or regulations as encompassed in this one act. In fact, we have tried to protect the Federal Water Pollution Control Act as we have it now in conference. It is a tenuous thing to try to touch on coastal zones and on the matter of water use and then say in the development of coastal zones that they not be given any consideration. We think water use should be considered, among other things, and we do not think we should try, and do not try, to preempt in any manner or means the provisions of either the Federal Water Pollution Control Act or the Clean Air Act which we are supporting in conference with the House. Therefore, I would be glad to accept the amendments.

Mr. BAKER. I would like to have the understanding of the floor manager of the bill as to the intent of these amendments because this is the only opportunity we will have to make any legislative history and elaborate upon congressional intent.

I wonder whether the Senator from South Carolina would agree with me that the amendment which provides, and I quote in part:

"Such requirement shall be incorporated in any program developed pursuant to this Act and shall be the water pollution control and air pollution control requirements applicable to such program" means "the" water pollution and air pollution control requirements, including State and local requirements pursuant to the Federal Clean Air and Water Acts to the exclusion of any other requirements? What I am saying is that the word "the" as used in "and shall be the water pollution control and air pollution control requirements," the word "the" for our purposes of emphasis, would be underscored to mean exclusive of any other pollution control program; is that not correct?

Mr. HOLLINGS. That is my understanding. That is perfectly clear. That is the intent of the bill.

Mr. BAKER. I thank the manager of the bill. That is a helpful addition to the legislative history. I am happy to support the amendments as offered by the distinguished Senator from Delaware (Mr. Boggs).

Mr. STEVENS. Mr. President, I want to make certain I understand correctly the answer of the Senator from South Carolina to the Senator from Tennessee (Mr. Baker).

Do I understand correctly that the effect of the amendments offered on behalf of the Public Works Committee will be

such that the State and local government which presents a plan to the Secretary pursuant to our Coastal Zone Management Act would refer to the standards of criteria and regulations that are in effect at that time under the Federal Water Pollution Control Act or the Clean Air Act? Is that the understanding of the Senator from Tennessee?

Mr. HOLLINGS. Including any other amendments made to the substance of the legislation, the Water Pollution Control Act or the Clean Air Act. In other words, this is not a pollution control or clean air control measure. This is a coastal zone management bill. I think—if we could conceive of both measures, in the development of the coastal zones regulations for air and water pollution—that they are both concerns of both measures. But where they could be, I cannot imagine in this bill there could be a conflict with the substance of the Water Pollution Control or Air Pollution Control Acts. They would govern, and some programs approved by the governor and amended, amended from time to time by the governors and the Department of Commerce for coastal zone management have got to conform to the Water Pollution Control and the Clean Air Acts.

Mr. STEVENS. Mr. President, I understand the comment of my good friend, the Senator from South Carolina. In the event a State or local government intends to increase these standards—and we have testimony that some desire to do this—and they present a plan which is more stringent than the controls and criteria contained in either of these two acts, then I am assuming that we are providing in the amendment that it must be at least equivalent to the criteria established in the two acts. Is that correct?

Mr. HOLLINGS. The basic Water Pollution Control Act permits that as of now.

Mr. BAKER. Mr. President, if the Senator from South Carolina would yield, the Senator from Alaska made reference to my previous comment.

Mr. HOLLINGS. I yield to the distinguished Senator from Tennessee.

Mr. BAKER. Mr. President, I think that the amendment from which I read in part does provide that the effect would be to include any future amendments to the Federal Water Pollution Control Act or the Clean Air Act.

As a matter of fact, I will read the first clause from subsection (e) of the third amendment:

Notwithstanding any other provision of this Act, nothing in this Act shall in any way affect any requirement (1) established by the Federal Water Pollution Control Act, as amended, or the Clean Air Act, as amended. . . .

I think clearly this language is intended to include any future amendment, including S. 2770, the 1972 amendments to the Federal Water Pollution Control Act, which is now in conference. I think, from my vantage point and from my understanding of it, the answer to the question put by the Senator from Alaska as to whether a local jurisdiction, State, or local agency might require standards in excess of those spelled out in the act,

is yes; it is clearly provided for under the Federal Water Pollution Control Act and the Federal Clean Air Act. The amendment would provide that such more stringent standards or requirements would be made a part of the coastal zone management program.

So, not independently, nor by reason of this amendment, but by reason of authority already in the Federal water and air pollution acts, local authorities could require standards in excess of Federal criteria.

The important thrust of these amendments, as I understand them, and as I understand the Senator from South Carolina to express his sense of that understanding, is to make sure that regulatory requirements under the air and water acts are the ones included in the coastal zone program under this act and not some other separately established requirement.

Mr. HOLLINGS. The Senator is correct.

Mr. STEVENS. Mr. President, I understand the Senator from Tennessee. However, I want to make certain that the Water Control and Clean Air Act requirements contained in this plan may exceed the requirements set out under the two Federal laws.

Mr. BAKER. Mr. President, my answer is yes, that authority is in both of those acts. This does not change it but incorporates it into this coastal zone program.

Mr. HOLLINGS. So long as it does not increase the authority of the Federal Government.

Mr. STEVENS. I thank the Senator.

Mr. BAKER. Mr. President, I serve on three committees of the Congress which have important jurisdiction over areas of environmental quality; the Committee on Public Works, the Committee on Commerce, and the Joint Committee on Atomic Energy. As a result of my experience in these committees I have a growing concern with the lack of coherence and integration of the environmental quality laws and the regulations. It is my belief that we are rapidly approaching the time when we must look at the environmental protection laws Congress has enacted in their totality, and perhaps integrate all of the laws and regulations that presently exist into a more coherent body of procedural and substantive law.

In the interim Congress should not act to further confuse the scope of environmental laws and regulations, especially by enacting mandates to different agencies of the government to perform the same or parallel activities.

The bill S. 3507, coastal zone management, without the amendments recommended by Senator Boggs, would have this effect. In the Federal Water Pollution Control Act, especially as it would be amended by S. 2770, the Congress has enacted an elaborate scheme for the control of water pollution and the achievement of water quality. Good government dictates that this must be the vehicle for the regulation of water quality. We should not enact additional statutes directing other agencies of Federal and State Governments to perform overlapping and possibly conflicting tasks through an elaborate scheme of their own.

In addition to causing confusion and waste, such action would operate at great disadvantage to those who seek to comply with the law. In addition to increasing procedural costs, such action would create a climate of uncertainty which ultimately leads to poor performance. The public expects more from its government.

I therefore support these amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc of the Senator from Delaware.

The amendments were agreed to.

Mr. BOGGS. Mr. President, I send to the desk an amendment and ask that it be reported.

The PRESIDING OFFICER. The amendment will be reported.

The assistant legislative clerk proceeded to state the amendment.

Mr. BOGGS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The amendment reads as follows:

On page 24, after line 17, add a new subsection (e):

"(e) (1) That Congress finds that consideration is being given to the construction beyond the territorial sea off the coast of the United States of ship docking, electric generating, and other facilities. Since adjacent coastal States might be adversely affected by pollution from such facilities, it is hereby established as Federal policy to require approval of any States which may be so affected before any such facilities are constructed.

(2) Notwithstanding any other provision of this Act, no Federal department or agency shall construct, or license, or lease, or approve in any way the construction of any facility of any kind beyond the territorial sea off the coast of the United States until (1) such department or agency has filed with the Administrator of the Environmental Protection Agency, a complete report with respect to the proposed facility; (2) the Administrator has forwarded such report to the Governor of each adjacent coastal State which might be adversely affected by pollution from such facility; and (3) each such Governor has filed an approval of such proposal with the Administrator. Any Governor who does not, within ninety (90) days after receiving a report pursuant to this subsection, file an approval or disapproval of the proposal in such report shall be considered for the purpose of this subsection to have approved such proposal."

Mr. BOGGS. Mr. President, I am offering an amendment that will assure our coastal States a meaningful role in the location and design of any offshore oil transfer station that might be constructed to serve the so-called "super-tankers."

The amendment would add a new subsection (e) on page 24 of the bill. The new subsection would be at the end of section 314, "Interagency Coordination and Cooperation."

A number of Federal, State, and other studies are currently underway to evaluate the need and potential sites for one or more major bulk cargo transfer stations. Such stations will be needed if the United States is to receive the economies of scale offered by supertankers,

whether transporting oil or other bulk commodities.

Present harbors, I am told, cannot handle such vessels because the channels simply cannot be dredged to a sufficient depth. The solution may involve offshore terminals, where the supertankers could pump their cargo into storage tanks. From those tanks the oil could be piped ashore in underwater pipelines, or transferred to barges or smaller tankers.

The Maritime Administration, through a contract with Soros Associates, is in the process of evaluating the feasibility of such offshore terminals, as well as possible sites for such terminals. This study, I understand, is to be made public in a month or two.

At the same time, the Army Corps of Engineers is undertaking, under Senate resolution, similar studies, one of which covers the coast from Maine to Virginia.

In any case, it is expected that the Federal studies may recommend sites outside the 3-mile territorial limit of the United States. Such sites, of course, would place these facilities in the contiguous zone, or in international waters on the Continental Shelf. If that were so, of course, the facility would be outside the jurisdiction of the neighboring States.

Yet, the coastal zones of these neighboring States could be severely and adversely affected by pollution that might come from such an offshore facility.

While such a pollution discharge would be subject to the cleanup provisions of the existing Federal Water Pollution Control Act, this might be insufficient protection for the coastal States. Rather than protecting a State and its coastal zone subsequent to a discharge, I believe it is important that the affected States play a meaningful role in the plan to construct such a facility.

And such a facility will be of mammoth proportions. It will, of course, cover many acres of the ocean. It may permanently affect tidal currents and the quality of fisheries within the coastal zone of the State.

The amendment I am offering today would require that any Federal agency constructing, leasing, or issuing a permit for the construction of such facilities must obtain the concurrence of the Governor or Governors of the States that would be potentially affected by such a facility.

The amendment would require the Administrator of the Environmental Protection Agency to study such facilities and report on such facilities to any State that is potentially affected adversely.

For example, a State would be affected adversely if such a facility might discharge pollutants that enter the waters of the State. Or the State might be affected adversely if the facility could be seen from the coastal area or the waters of the State and damage recreational values.

In either case, the Governor must affirmatively concur in the construction of the facility within 90 days of the EPA report to him. The Governor may report adversely. If he does, the facility could not be built, licensed, leased, or permitted. If the Governor did not report

back within 90 days, it would be assumed that he concurred in the facility.

Mr. President, I hope that the distinguished chairman, the floor manager of the bill, might consider accepting the amendment.

Mr. HOLLINGS. Mr. President, in response to the thrust of the particular amendment and the leadership on this point given by the distinguished Senator from Delaware, I would personally think this is a good amendment.

Mr. President, you can read it and see that, but I meet myself coming around the corner. We started out this morning with last minute concerns by my colleagues that we might infringe on an area of jurisdiction of the Committee on Public Works. I assured everyone in my discussion that we were trying to finally and once and for all establish a coastal zone management program to give financial assistance to the States in the development of these programs, and that is all this bill pertains to; that we were restricting it, in other words, to the territorial sea.

The amendment of our distinguished friend from Delaware goes beyond the territorial sea and goes into what we agreed on and compromised on awhile ago. It goes beyond any territorial sea to construction of any facility on the ocean floor, into what we call a contiguous zone from the 3-mile limit to the 12-mile limit.

This amendment provides the Governor would have a veto over such matters. I do not think the Senate wants to go that far. The amendment comes without public hearing and full consideration, which we have not had the benefit of.

While I had discussed earlier this morning with the distinguished Presiding Officer that the Committee on Public Works have a chance to hear this matter, I believe the Committee on Interior and Insular Affairs and the Committee on Commerce should have an opportunity to go into the matter before it is ruled on.

Therefore, Mr. President, I would have to oppose the amendment.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. MOSS. Mr. President, I would point out that the Committee on Interior and Insular Affairs is very deeply concerned with this matter and is making a study of it now. In fact, this very afternoon, starting at 2 p.m., we are having public hearings dealing with deepwater harbors and tankers. The matter is therefore in process.

Therefore, I hope very much the Senator from Delaware will not press his amendment but permit us to go through the legislative process and report a bill to the floor dealing with this matter, based on hearings, at which time he will might wish to modify or suggest amendments. It would be germane at that time, rather than now, as this bill attempts to deal with the Territorial Sea, not the Outer Continental Shelf.

Mr. BOGGS. Mr. President, will the chairman yield further?

Mr. HOLLINGS. I yield to the Senator from Delaware.

Mr. BOGGS. Mr. President, I appreciate the very kind and generous remarks of the distinguished chairman of the subcommittee and the manager of the bill, and also the remarks of the distinguished Senator from Utah (Mr. Moss), who is chairman of the hearings just referred to. I am happy that these hearings and studies are continuing. I believe and hope they will shed full light on this important subject so that the Senate can give the fullest consideration in light of these hearings and further studies.

Mr. President, with the chairman's permission, I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. The Senator has the right to withdraw his amendment. The amendment is withdrawn.

Mr. BOGGS. Mr. President, I thank the distinguished chairman, the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Utah (Mr. Moss).

Mr. MOSS. If the Senator from Delaware is available, we would like to ask him to come and participate in the hearings.

Mr. BOGGS. I thank the Senator.

Mr. HOLLINGS. Mr. President, to complete the record on this particular score, when I talked in terms of jurisdiction, I talk not in terms of exclusivity in that any one committee was concerned with the problems of offshore development and related ocean pollution. The Commerce Committee also is deeply concerned. The fact is that yesterday the Maritime Administrator, before the Committee on Appropriations, in trying to pursue the administration's ship construction measures and develop a maritime policy, was talking about construction of supertankers. When we originally talked about the bill, it was 30 ships a year for 10 years, some 300 vessels. Now, rather than 40,000 and 50,000 tonners we are going to 200,000 and 400,000 tonners and rather than 30 ships a year for 10 years we will have 60 or 70 supertankers, and where are they going to dock when they have in excess of an 80-foot draft? They could not come in on the east coast or the Gulf of Mexico. So we in the Commerce Committee and Appropriations Committee were talking about what the Senator from Idaho is discussing, the development of offshore landing facilities.

The Senator from Alaska has been pointing out this morning that we will need such development for nuclear powerplant siting, for offshore loading, both coal and oil, and other supertankers. Of course, the FAA is considering this approach in the development of offshore airports.

Mr. President. I am ready to vote.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. STEVENS. Mr. President, I have an amendment at the desk. First, I wish to note what the Senator has said.

Coming from a State which hopes to be filling some of these supertankers to send American oil to foreign markets, we want to make certain that the desires of the Senator from Delaware are fulfilled, and that there is absolute safety in any one of these terminals offshore. We

would be the first to lose if someone made a mistake and did not require absolute safety in those facilities. I assure the Senator I will work with him to make certain the role of the State in supervising this construction and eliminating any hazards or esthetic barriers to the development that will be needed is taken care of.

Mr. BOGGS. Mr. President, I especially thank my good friend, the Senator from Alaska. I know and value his interest in these matters and I appreciate the remarks that he just made. It is reassuring to the people of our State and to all concerned.

While I am on my feet I take this opportunity to compliment my good friend, the distinguished chairman of the subcommittee and the manager of the bill, (Mr. HOLLINGS) the Senator from Alaska (Mr. STEVENS), and other members of the committee for the fine job they have done in the past several months in studying and bringing forth this legislation. They have done a fine job and they and the fine members of the staff are to be congratulated.

Mr. STEVENS. Mr. President, I call up my amendment, which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 10 between lines 6 and 7 and on page 15, between lines 12 and 13, insert the following:

(1) The Secretary is authorized to make management program development or administrative grants to a political subdivision of a State with areawide powers, if the Secretary finds that the State has not developed a management program required by section 306 of this title, provided that if the State completes such a program the authority of this subsection shall terminate with regard to any political subdivision of such State.

Mr. STEVENS. Mr. President, I did not make the usual request to stop the reading of the amendment, because it is short and addresses a point that was raised by the chairman of the largest political subdivision of my State, which is the Greater Anchorage Borough, which completed a plan that would set up this program. The State has not done so.

In an area such as ours, with a coastline equal to more than half of that of the continental United States, it will take time, and this will assure the political subdivision of my State, which prepared such a plan, that they could receive financial assistance from the Secretary until the State completes its plan. I have discussed this matter with the distinguished chairman of the committee and he has stated he will be able to accept the amendment so that the Greater Anchorage Borough plan may proceed under this act.

Mr. HOLLINGS. Mr. President, I join with the Senator from Alaska on this amendment. The committee is glad to accept this particular amendment because it strengthens the bill and fills the gap pointed out by the Senator from Alaska, where we just do not want to move forward with development, and we do not want to tie our hands so that progress cannot be made, particularly

for an important State like Alaska, which has the biggest coastal area and is more directly concerned than any of the several States.

So I move the adoption of the amendment.

Mr. STEVENS. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment was agreed to.

Mr. HOLLINGS. Mr. President, I think there is only one remaining amendment, by my distinguished colleague from the State of Virginia (Mr. SPONG), who has been very active on the Subcommittee on oceans and atmosphere and has worked on the coastal zone issue. We visited the Virginia Marine Sciences Center and got many of our ideas firsthand there, not only for the need, but the proper approach for the Federal Government to employ and profit from the experience to date in his native State.

I think we have one more amendment that he will offer, and after that we will be prepared to vote on final passage.

Mr. SPONG. Mr. President, I thank the distinguished Senator from South Carolina.

Shortly before the Commerce Committee voted to report this bill, it occurred to me that the measure might have a prejudicial effect upon the matter of United States against Maine, et al. The United States in this case is seeking a determination of rights in all the lands and natural resources of the bed of the Atlantic Ocean more than three geographical miles from the coastline. The Federal action, against the 13 Atlantic coastal States, is in the nature of a suit to quiet title.

I have requested the views of Virginia Attorney General Andrew P. Miller on this matter, and have received three suggested amendments from him which I intend to offer. I hope the distinguished Senator from South Carolina will find it possible to accept the amendments, the sole purpose of which is to assure that the bill will have no prejudicial effect upon the litigation.

I might say to the Senate and to the Senator from South Carolina that the staffs of the Commerce Committee and of the Committee on Interior and Insular Affairs reviewed these amendments.

The PRESIDING OFFICER. Does the Senator wish to send his amendments to the desk?

Mr. SPONG. I send the amendments to the desk.

The PRESIDING OFFICER. The clerk will please read the amendments of the Senator from Virginia.

The assistant legislative clerk read the amendments, as follows:

On page 5, line 14, insert the following: strike "United States territorial seas," and insert the following: "legally recognized territorial seas of the respective coastal states, but shall not extend beyond the limits of State jurisdiction as established by the Submerged Lands Act of May 22, 1953, and the Outer Continental Shelf Act of 1953."

On page 23, line 20, insert the following: a comma after "resources" and insert the following: "submerged lands"

On page 23, line 17, insert the following: strike "section" and insert the following: "Act"

The PRESIDING OFFICER. Does the Senator from Virginia desire to have the amendments considered en bloc?

Mr. SPONG. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. HOLLINGS. Mr. President, I support the amendments. We have been trying to reconcile the amendments so that we would not interfere with any legal contention of any of the several States at the present time involved in court procedures. At the same time we wanted to make certain that Federal jurisdiction was unimpaired beyond the 3-mile limit in the territorial sea. If we do not go beyond that, I think these amendments take care of it.

Mr. BOGGS. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. BOGGS. Mr. President, I wish to express my support for the amendment offered by the distinguished Senator from Virginia (Mr. SPONG). This amendment will insure that this legislation in no way prejudices the present consideration by the courts of a case involving State rights over the seabed. I believe this amendment is important, and I commend the Senator for this amendment.

Mr. SPONG. I thank the Senator from Delaware.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. SPONG. I yield.

Mr. MOSS. I simply wish to say that the amendment offered by the Senator from Virginia is very acceptable from the viewpoint of the Interior and Insular Affairs Committee in relation to the National Fuels and Energy Study which our committee has undertaken. This makes clear that this bill focuses on the territorial sea or the area that is within State jurisdiction, and preserves the Federal jurisdiction beyond, which is not to be considered or disturbed by the bill at this time. If we want to do something about that later, we will have another bill and another opportunity.

I am, therefore, very happy to support the amendment offered by the Senator from Virginia.

Mr. SPONG. Mr. President, I am very pleased that the Senator from Utah has made this expression. Members of the Interior and Insular Affairs and the Public Works Committees, the Senator from Delaware and the Senator from South Carolina, have agreed to accept the amendment.

The PRESIDING OFFICER. The question is on adopting, en bloc, the amendments of the Senator from Virginia.

The amendments were agreed to en bloc.

Mr. HOLLINGS. Mr. President, if there are no other amendments to be offered, I have one final amendment to offer, which I send to the desk and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk read the amendment, as follows:

On page 2, line 6, insert the following:
Strike the word "National" and insert
"Magnuson."

Mr. HOLLINGS. Mr. President, on line 2, page 6, we entitle the bill the "National Coastal Zone Management Act of 1972." The intent of this amendment, of course, is to call it the "Magnuson Coastal Zone Management Act of 1972." All of our colleagues have been personally indebted to the contributions made by many Senators, including the Senator from Delaware, in the coastal zone management bill some 3 years ago, on which we had hearings. The Senator from Alaska has given outstanding leadership to this particular measure. The senior Senator from New Hampshire (Mr. Cotton) has been very helpful. But in going over the record of the past 12 years, the reason this bill, as controversial as it is in nature, has gone through the floor so smoothly this morning has been due to the leadership of the distinguished Senator from Washington (Mr. Magnuson). Some 12 years ago he started in this particular field. It was under his leadership, in the mid-1960's, that he introduced legislation instituting the Commission on Marine Sciences, Engineering, and Resources, resulting in the Stratton Commission report. It was under his leadership that the temporary Oceanographic Subcommittee was established and the Oceans and Atmosphere Subcommittee was instituted as a standing subcommittee under his Committee on Commerce, and through the past 2½ years now, we have had hearings and different discussions with respect to moving forward in this particular field. It was the Senator from Washington who gave us the leadership, spreading oil on troubled waters, and we finally got a bill. I wish to mention his role as chairman of the Subcommittee on Health Appropriations, which encompassed hearing some 427 witnesses. I do not see how an individual chairman can listen that long and not abolish the whole Department, but he has given leadership there.

He had an executive session this morning. He had other witnesses scheduled. Rather than try to be here, after he had worked out this language, he went forward with those witnesses.

I think this body would like to recognize his leadership in this field, and I hope my colleagues will join in supporting the amendment.

Mr. BOGGS. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. BOGGS. I hasten to join in this amendment. I am privileged to serve on the Appropriations Subcommittee the Senator referred to, under the leadership of the Senator from Washington (Mr. Magnuson). I think the Senator's remarks have been most appropriate. I wish to join in those comments.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. STEVENS. I, too, join the chairman of the subcommittee on this amendment. Those of us who know our neighbor to the south, the Senator from Washington, well realize how the chairman of the subcommittee and the full

Commerce Committee worked. An article I recently read said, "What Maggie wants, Maggie gets." "Maggie" has been a big help in this area. He has pursued for many, many years his great interest in our State. He was once referred to as the Senator from Alaska, as the senior Members of this body will recall, because we had no Senator, then, and he took care of the territory of Alaska as well as the State of Washington, and has done it well. Thus I think it is fitting testimony that the subcommittee chairman has made this suggestion.

Mr. HOLLINGS. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina (Mr. Hollings).

The amendment was agreed to.

Mr. TUNNEY. Mr. President, I am pleased to both cosponsor and vote for the passage of S. 3507, the National Coastal Zone Management Act of 1972.

The ocean front is the single most valuable natural resource in California. The bulk of the State's population is concentrated within a few miles of the sea, and its impact upon the people's way of life is great. But the California coastline is shrinking rapidly as demand for its values increases and as public access to attractive frontage decreases. Undeveloped shoreline, including bays, estuaries, and salt water marshes, can no longer be regarded as ordinary real estate subject to residential or commercial-industrial development.

In California, coastal and seaward areas must be protected for present and future generations. The ecologically rich kelp forests, for example, which grow from 100 to 1,000 feet off shore must be protected. Kelp was once prevalent along the entire California coast, but sewage, pesticides, industrial wastes and thermal pollution have greatly reduced this forest to a mere 18 square miles. For scientific, economic and ecological reasons, as well as scenic and recreational considerations, this remarkable oxygen producing plant must be allowed to make a comeback.

Only prompt and bold action can protect the quality of one of the world's most spectacular shorelines from further deterioration.

S. 3507 is an important first step in that it encourages and assists the various States in preparing and implementing management programs to preserve, protect, develop, and restore the resources of the coastal zone of the United States. This bill authorizes Federal grants-in-aid of up to 66⅔ percent to coastal States to develop coastal zone management programs. In addition S. 3507 authorizes grants to help coastal States implement these management programs, once approved by the Secretary of Commerce, and States would be aided for up to 50 percent of the costs in the acquisition and operation of estuarine sanctuaries.

In fiscal year 1973 the bill authorizes \$12 million for management program development grants, not to exceed \$50 million for administrative grants and \$6 million for estuarine sanctuaries grants.

Dr. Joel Hedgpeth of Oregon State University makes the following very tragic comment with regard to the acquisition and preservation of estuarine sanctuaries in California.

In southern California, for example, there is nothing left. In northern California, Tomales Bay, which might not fit some definitions, is an ideal candidate because of the 10 years of study that has been carried out there and the circumstances that one entire shore (almost) is within control of the Point Reyes National Seashore. There are some interesting lagoons in northern California, just north of Eureka.

Clearly we are already too late. We must act quickly to begin to save what is left of our coastline and to attempt to restore past despoliation.

Recently the Institute of Governmental Studies at the University of California at Berkeley published a book entitled "California's Disappearing Coast: A Legislative Challenge" by Gilbert E. Bailey and Paul S. Thayer.

The book summarizes the condition of California's coastline as follows:

Today—a quarter of the 1,000 mile coastline—from the Mexican border to Santa Barbara—is already largely occupied by cities, suburbs, industries, military bases, power plants, sewage discharge pipes, tract homes and high-rise blockades of buildings interposed between the coast and the people. From Monterey to coastal areas north of San Francisco the story is much the same. Beaches are posted because of contamination and fish catches are seized because of mercury and DDT poisoning.

Some reaches of the coast, from Morro Bay north to Monterey and Marin County to the Oregon border, are still relatively untouched.

But much of this is private ranchland, and at the moment there is absolutely no assurance it will escape the fate of other private ranchland that, for example, could be found in the Santa Clara Valley 25 years ago.

The authors conclude by saying that—

There is no coordinated public regulation of this priceless stretch of land and sea.

For the past several years the California Legislature has been wrestling with the problem of enacting an effective piece of legislation to preserve and protect the California coastline.

The report quotes California Assembly Speaker Bob Moretti as saying that the best planning available would be worthless without money to finance the agencies involved, but more importantly, to purchase coastal land for public use.

S. 3507—if implemented in a tough manner and if adequate funds are appropriated—could assist California to extricate itself from its coastal quagmire.

It is my hope that Federal legislation such as S. 3507 with its hope of Federal financial assistance will act as a catalyst and encourage the California Legislature to come up with effective legislation to deal with the "disappearing California coastline."

Mr. TOWER. Mr. President, I am very pleased today to join in supporting S. 3507, of which I am a cosponsor. The passage of this bill will bring to fruition many years of work by a great many people. After several years of study, Senator Hollings last year introduced S. 582 as a comprehensive proposal to deal with

the problems manifest in the coastal zone. About that same time, I introduced S. 638, dealing with the same subject. I have been concerned for some time with the unique problems of pollution and land use in the coastal zone and believe that we will now be able to begin to work to correct them. This new bill, S. 3507, takes into consideration the best aspects of S. 582 and S. 638, along with some ideas that were developed by the Subcommittee on Oceans and Atmosphere in the hearings that they held. I wish at this time to congratulate the members and the staff of that subcommittee, both past and present, for their fine work on this bill and the outstanding cooperation that has been shown to me and my staff as we were working with them.

Mr. President, the heart of this bill will be the encouragement of the coastal States to survey the needs and problems of their coastal zones and assistance to them in establishing comprehensive programs for dealing with those recognized needs and problems. In my State of Texas, nearly 40 percent of all our citizens live in the area 50 miles from the Gulf of Mexico.

In addition, a great deal of our industrial and commercial activity takes place in the same area. In the Nation as a whole, an even greater percentage of activity takes place in the coastal zone. The situation everywhere is becoming more acute. Pollution and land use problems are proliferating as the coastal zone becomes more congested. This bill is an attempt by the Government to assist the States in correcting pollution, and planning for the best use of limited land and water resources.

The emphasis in this bill is on cooperation with the States, not coercion by the Federal Government. During the hearings on this subject, there was detected an acute awareness by the States of the problems of the coastal zone. Indeed, Texas has in many respects led the way toward categorizing the different uses of land in the coastal zone and in pinpointing likely problem areas. I believe that it is safe to say that we in Texas will probably lead the way in devising and carrying out our coastal zone plan. What the States have needed for so long are the resources to act to resolve the evident problems of their coastal zones. We are today providing that assistance. Under the terms of the bill, up to 66 2/3 percent of the cost of devising and then carrying out the plans will be borne by the Federal Government. The major responsibility for drawing up the plans, marshalling the necessary personnel, and then carrying out the plans would fall to the State governments. This is a somewhat unique approach by the Federal Government in relying on the States to solve this problem rather than simply federalizing the area and creating a new bureaucracy to deal with it. I believe that the States will prove that they can handle this program and will make it work.

Mr. President, I look forward to early enactment of this bill to aid the coastal States and in so doing to aid the entire Nation. We in the Congress have located

a real need for action and have acted upon that need. The unique problems of coastal pollution and the varied competing land uses will undoubtedly be faced up to by the State governments and the local governments—the units that are best prepared by their locale to deal with them. I know that all of us involved in this effort will keep in close contact with the developments in the coastal zone and stand ready to make adjustments and provide more assistance if that seems necessary. I urge the Senate to give this bill its overwhelming support.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER (Mr. EAGLETON). The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Florida (Mr. CHILES), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. McCLELLAN), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Alabama (Mr. SPARKMAN), the Senator from Mississippi (Mr. STENNIS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Montana (Mr. MANSFIELD), and the Senator from Massachusetts (Mr. KENNEDY) are absent on official business.

I further announce that, if present and voting, the Senator from Florida (Mr. CHILES), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the Senator from Rhode Island (Mr. PASTORE), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), and the Senator from Kansas (Mr. DOLE) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) is absent because of death in his family.

The Senator from Maryland (Mr. MATHIAS) and the Senator from Delaware (Mr. ROTH) are absent on official business.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from New York (Mr. JAVITS) are detained on official business.

If present and voting, the Senator from Tennessee (Mr. BROCK), the Senator from Massachusetts (Mr. BROOKE), the Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. JAVITS), and the Senator from Delaware (Mr. ROTH) would each vote "yea."

The result was announced—yeas 68, nays 0, as follows:

[No. 155 Leg.]

YEAS—68

| | | |
|-----------------|---------------|-----------|
| Alken | Eagleton | Nelson |
| Allen | Elender | Packwood |
| Aliott | Ervin | Pearson |
| Anderson | Fannin | Pell |
| Baker | Fong | Percy |
| Beall | Fulbright | Proxmire |
| Bennett | Gambrell | Randolph |
| Bentsen | Gravel | Ribicoff |
| Bible | Griffin | Saxbe |
| Boggs | Gurney | Schweiker |
| Buckley | Hansen | Smith |
| Burdick | Hollings | Spong |
| Byrd | Hruska | Stafford |
| Harry F., Jr. | Inouye | Stevens |
| Byrd, Robert C. | Jordan, Idaho | Stevenson |
| Cannon | Long | Symington |
| Case | Magnuson | Taft |
| Church | McIntyre | Talmadge |
| Cook | Metcalf | Thurmond |
| Cooper | Miller | Tower |
| Cranston | Mondale | Tunney |
| Curtis | Montoya | Weicker |
| Dominick | Moss | Young |

NAYS—0

NOT VOTING—32

| | | |
|-----------|--------------|----------|
| Bayh | Hartke | McGee |
| Bellmon | Hatfield | McGovern |
| Brock | Hughes | Mundt |
| Brooke | Humphrey | Muskie |
| Chiles | Jackson | Pastore |
| Cotton | Javits | Roth |
| Dole | Jordan, N.C. | Scott |
| Eastland | Kennedy | Sparkman |
| Goldwater | Mansfield | Stennis |
| Harris | Mathias | Williams |
| Hart | McClellan | |

So the bill (S. 3507) was passed, as follows:

S. 3507

An act to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for a comprehensive, long range, and coordinated national program in marine science, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering, and Resources, and for other purposes", approved June 17, 1966 (80 Stat. 203), as amended (33 U.S.C. 1101-1124), is further amended by adding at the end thereof the following new title:

"TITLE III—MANAGEMENT OF THE COASTAL ZONE

"SHORT TITLE

"SEC. 301. This title may be cited as the 'Magnuson Coastal Zone Management Act of 1972'.

"CONGRESSIONAL FINDINGS

"Sec. 302. The Congress finds that—

"(a) There is a national interest in the effective management, beneficial use, protection, and development of the coastal zone;

"(b) The coastal zone is rich in a variety of natural, commercial, recreational, industrial, and esthetic resources of immediate and potential value to the present and future well-being of the Nation;

"(c) The increasing and competing demands upon the lands and waters of our coastal zone occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources, have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion;

"(d) The coastal zone, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destruction by man's alterations;

"(e) Important ecological, cultural, historic, and esthetic values in the coastal zone which are essential to the well-being of all citizens are being irretrievably damaged or lost;

"(f) Special natural and scenic characteristics are being damaged by ill-planned development that threatens these values;

"(g) In light of competing demands and the urgent need to protect and to give high priority to natural systems in our coastal zone, present coastal State and local institutional arrangements for planning and regulating land and water uses in such areas are inadequate; and

"(h) The key to more effective use of the land and water resources of the coastal zone is to encourage the coastal States to exercise their full authority over the lands and waters in the coastal zone by assisting the coastal States, in cooperation with Federal and local governments and other vitally affected interests, in developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.

"DECLARATION OF POLICY

"Sec. 303. The Congress finds and declares that it is the national policy:

"(a) To preserve, protect, develop, and where possible to restore, the resources of the Nation's coastal zone for this and succeeding generations; (b) To encourage and assist the States to exercise effectively their responsibilities in the coastal zone through the preparation and implementation of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development. (c) For all Federal agencies engaged in programs affecting the coastal zone to cooperate and participate with State and local governments and regional agencies in effectuating the purposes of this Act. And, (d) to encourage the participation of the public, of Federal, coastal State, and local governments and of regional agencies in the development of coastal zone management programs. With respect to implementation of such management programs, it is the national policy to encourage cooperation among the various coastal State and regional agencies including establishment of interstate and regional agreements, cooperative procedures, and joint action, particularly regarding environmental problems.

"DEFINITIONS

"Sec. 304. For the purposes of this title—

"(a) 'Coastal zone' means the coastal wa-

ters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal States, and includes transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone terminates, in Great Lakes waters, at the international boundary between the United States and Canada and, in other areas, extends seaward to the outer limit of the legally recognized territorial seas of the respective coastal States, but shall not extend beyond the limits of State jurisdiction as established by the Submerged Lands Act of May 22, 1953, and the Outer Continental Shelf Act of 1953. The zone extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters. Excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents.

"(b) 'Coastal waters' means (1) in the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great Lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes and (2) in other areas, those waters, adjacent to the shorelines, which contain a measurable tidal influence, including, but not limited to, sounds, bays, lagoons, bayous, pounds, and estuaries.

"(c) 'Coastal State' means a State of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. For the purposes of this title, the term includes Puerto Rico, the Virgin Islands, Guam, and American Samoa.

"(d) 'Estuary' means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage. The term includes estuary-type areas of the Great Lakes.

"(e) 'Estuarine sanctuary' means a research area which may include any part or all of an estuary, adjoining transitional areas, and adjacent uplands, constituting to the extent feasible a natural unit, set aside to provide scientists and students the opportunity to examine over a period of time the ecological relationships within the area.

"(f) 'Secretary' means the Secretary of Commerce.

"(g) 'Management program' means a comprehensive statement in words, maps, illustrations, or other media of communication, prepared and adopted by the coastal State in accordance with the provisions of this title, setting forth objectives, policies, and standards to guide public and private uses of lands and waters in the coastal zone so as to minimize direct, significant, and adverse impact on the coastal waters, and governmental structure capable of implementing such a program.

"(h) 'Water use' means activities which are conducted in or on the water; but does not mean or include the establishment of any water quality standard or criteria or the regulation of the discharge or runoff of water pollutants except such standards, criteria or regulations shall be incorporated in any program as provided by section 314(e).

"MANAGEMENT PROGRAM DEVELOPMENT GRANTS

"Sec. 305. (a) The Secretary is authorized to make annual grants to any coastal State for the purpose of assisting in the development of a management program for the land and water resources of its coastal zone.

"(b) Such management program shall include:

"(1) an identification of the boundaries of the coastal zone of the portions of the coastal State subject to the management program;

"(2) a definition of what shall constitute permissible land and water uses within the coastal zone so as to prevent such uses which have a direct, significant, and adverse impact on the coastal waters;

"(3) an inventory and designation of areas of particular concern within the coastal zone;

"(4) an identification of the means by which the coastal State proposes to exert control over land and water uses, within the coastal zone so as to prevent such uses which have a direct, significant, and adverse impact on the coastal waters; including a listing of relevant constitutional provisions, legislative enactments, regulations, and judicial decisions;

"(5) broad guidelines on priority of uses in particular areas, including specifically those uses of lowest priority;

"(6) a description of the organizational structure proposed to implement the management program, including the responsibilities and interrelationships of areawide, coastal States, and regional agencies in the management process.

"(c) The grants shall not exceed 66⅔ per centum of the costs of the program in any one year and no State shall be eligible to receive more than three annual grants pursuant to this section. Federal funds received from other sources shall not be used to match such grants. In order to qualify for grants under this section, the coastal State must reasonably demonstrate to the satisfaction of the Secretary that such grants will be used to develop a management program consistent with the requirements set forth in section 306 of this title. After making the initial annual grant to a coastal State, no subsequent grant shall be made under this section unless the Secretary finds that the coastal State is satisfactorily developing such management program.

"(d) Upon completion of the development of the State's management program, the coastal State shall submit such program to the Secretary for review, approval pursuant to the provisions of section 306 of this title, or such other action as he deems necessary. On final approval of such planned program by the Secretary, the coastal State's eligibility for further grants under this section shall terminate, and the coastal State shall be eligible for grants under section 306 of this title.

"(e) Grants under this section shall be allotted to the coastal States based on rules and regulations promulgated by the Secretary: *Provided, however*, That no management program development grant under this section shall be made in excess of 10 per centum nor less than 1 per centum of the total amount appropriated to carry out the purposes of this section.

"(f) Grants or portions thereof not obligated by a coastal State during the fiscal year for which they were first authorized to be obligated by the coastal State, or during the fiscal year immediately following, shall revert to the Secretary, and shall be added by him to the funds available for grants under this section.

"(g) With the approval of the Secretary the coastal State may allocate to a local government, to an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 or to an interstate agency a portion of the grant under this section for the purpose of carrying out the provisions of this section.

"(h) The authority to make grants under this section shall expire five years from the date of enactment of this title.

"(i) The Secretary is authorized to make management program development or administrative grants to a political subdivision of a State with areawide powers, if the Secretary finds that the State has not developed a management program required by section 306 of this title: *Provided*, That if the State completes such a program the authority of

this subsection shall terminate with regard to any political subdivision of such State.

"ADMINISTRATIVE GRANTS

"Sec. 306. (a) The Secretary is authorized to make annual grants to any coastal State for not more than 66⅔ per centum of the costs of administering the coastal State's management program, if he approves such program in accordance with subsection (c) hereof. Federal funds received from other sources shall not be used to pay the coastal State's share of costs.

"(b) Such grants shall be allotted to the coastal States with approved programs based on rules and regulations promulgated by the Secretary which shall take into account the extent and nature of the shoreline and area covered by the plan, population of the area, and other relevant factors: *Provided, however,* That no annual administrative grant under this section shall be made in excess of 10 per centum, nor less than 10 per centum of the total amount appropriated to carry out the purposes of this section.

"(c) Prior to granting approval of a management program submitted by a coastal State, the Secretary shall find:

"(1) The coastal State has developed and adopted a management program for its coastal zone in accordance with rules and regulations promulgated by the Secretary, which shall be in accordance with the objectives of this Act, after notice, and with the opportunity of full participation by relevant Federal agencies, coastal State agencies, local governments, regional organizations, port authorities, and other interested parties, public and private, which is adequate to carry out the purposes of this title.

"(2) The coastal State has:

"(A) coordinated with local, areawide, and interstate plans applicable to areas within the coastal zone existing on January 1 of the year in which the coastal State's management program is submitted to the Secretary, which plans have been developed by a local government, an interstate agency, or an areawide agency designated pursuant to regulations established under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966; and

"(B) established an effective mechanism for continuing consultation and coordination between the management agency designated pursuant to paragraph (5) of this subsection and with local governments, interstate agencies, and areawide agencies within the coastal zone to assure the full participation of such local governments and agencies in carrying out the purposes of this title."

"(3) The coastal State has held public hearings in the development of the management program.

"(4) The management program and any changes thereto have been reviewed and approved by the Governor.

"(5) The Governor of the coastal State has designated a single agency to receive and administer the grants for implementing the management program required under paragraph (1) of this subsection.

"(6) The coastal State is organized to implement the management program required under paragraph (1) of this subsection.

"(7) The coastal State has the authorities necessary to implement the program, including the authority required under subsection (d) of this section.

"(d) Prior to granting approval of the management program, the Secretary shall find that the coastal State, acting through its chosen agency or agencies (including local governments, interstate agencies, or areawide agencies designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966), has authority for the management of the coastal zone in accordance with the management

program. Such authority shall include power—

"(1) to administer land and water use regulations, control development in order to ensure compliance with the management program, and to resolve conflicts among competing uses; and

"(2) to acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program.

"(e) Prior to granting approval, the Secretary shall also find that the program provides:

"(1) for any one or a combination of the following general techniques for control of land and water uses within the coastal zone:

"(A) Coastal State establishment of criteria and standards for local implementation, subject to administrative review and enforcement of compliance;

"(B) Direct coastal State land and water use planning and regulations; or

"(C) Coastal State administrative review for consistency with the management program of all development plans, projects, or land and water use regulations, including exceptions and variances thereto, proposed by any coastal State or local authority or private developer, with power to approve or disapprove after public notice and an opportunity for hearings.

"(2) for a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit.

"(f) With the approval of the Secretary, a coastal State may allocate to a local government, to an interstate agency, or an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 a portion of the grant under this section for the purpose of carrying out the provisions of this section: *Provided,* That such allocation shall not relieve the coastal State of the responsibility for ensuring that any funds so allocated are applied in furtherance of such coastal State's approved management program.

"(g) The coastal State shall be authorized to amend the management program. The modification shall be in accordance with the procedures required under subsection (c) of this section. Any amendment or modification of the program must be approved by the Secretary before additional administrative grants are made to the coastal State under the program as amended.

"(h) At the discretion of the coastal State and with the approval of the Secretary, a management program may be developed and adopted in segments so that immediate attention may be devoted to those areas within the coastal zone which most urgently need management programs: *Provided,* That the coastal State adequately provides for the ultimate coordination of the various segments of the management program into a single unified program and that the unified program will be completed as soon as is reasonably practicable.

"(i) The Secretary is authorized to make management program development or administrative grants to a political subdivision of a State with areawide powers, if the Secretary finds that the State has not developed a management program required by section 306 of this title: *Provided,* That if the State completes such a program the authority of this subsection shall terminate with regard to any political subdivision of such State.

"PUBLIC HEARINGS

"Sec. 307. All public hearings by nonfederal entities required under this title must be announced at least thirty days before

they take place, and all relevant materials, documents, and studies must be made readily available to the public for study at least thirty days in advance of the actual hearing or hearings.

"RULES AND REGULATIONS

"Sec. 308. The Secretary shall develop and promulgate, pursuant to section 553 of title 5, United States Code, after notice and opportunity for full participation by relevant Federal agencies, coastal State agencies, local governments, regional organizations, port authorities, and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the provisions of this title.

"REVIEW PERFORMANCE

"Sec. 309. (a) The Secretary shall conduct a continuing review of the management programs of the coastal States and of the performance of each coastal State.

"(b) The Secretary shall have the authority to terminate any financial assistance extended under section 306 and to withdraw any unexpended portion of such assistance if (1) he determines that the coastal State is failing to adhere to and is not justified in deviating from the program approved by the Secretary, and (2) the coastal State has been given notice of proposed termination and withdrawal and given an opportunity to present evidence of adherence or justification for altering its program.

"RECORDS

"Sec. 310. (a) Each recipient of a grant under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of the funds received under the grant, the total cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of the grant that are pertinent to the determination that funds granted are used in accordance with this title.

"NATIONAL COASTAL RESOURCES BOARD

"Sec. 311. (a) There is hereby established, in the Executive Office of the President, the National Coastal Resources Board (hereinafter called the 'Board') which shall be composed of—

"(1) The Vice President, who shall be Chairman of the Board.

"(2) The Secretary of State.

"(3) The Secretary of the Navy.

"(4) The Secretary of the Interior.

"(5) The Secretary of Commerce.

"(6) The Chairman of the Atomic Energy Commission.

"(7) The Director of the National Science Foundation.

"(8) The Secretary of Health, Education, and Welfare.

"(9) The Secretary of Transportation.

"(10) The Administrator of the Environmental Protection Agency.

"Executive appointments

"(b) The President may name to the Board such other officers and officials as he deems advisable.

"Alternate Presiding Officer Over Board Meetings

"(c) The President shall from time to time designate one of the members of the Board to preside over meetings of the Board during the absence, disability, or unavailability of the Chairman.

"Alternates for Service on the Board

"(d) Each member of the Board, except those designated pursuant to subsection (b)

of this section, may designate any officer of his department or agency appointed with the advice and consent of the Senate to serve on the Board as his alternate in his unavoidable absence.

"Personnel; Civilian Executive Secretary

"(e) The Board may employ a staff to be headed by a civilian executive secretary who shall be appointed by the President and shall receive compensation at a rate established by the President at not to exceed that of level II of the Federal Executive Salary Schedule. The executive secretary, subject to the direction of the Board, is authorized to appoint and fix the compensation of such personnel, including not more than seven persons who may be appointed without regard to civil service laws or chapter 51 and subchapter III of chapter 53 of title 5 and compensated at not to exceed the highest rate of grade 18 of the General Schedule as may be necessary to perform such duties as may be prescribed by the President.

"(f) The Board shall meet regularly at such times as the Chairman may direct and shall have the following duties:

"(1) to provide for the effective coordination between programs of the Federal agencies within the coastal zone;

"(2) in the case of serious disagreement between any Federal agency and a coastal State in the development of the program, the Board shall seek to mediate the differences; and

"(3) to provide a forum for appeals by an aggrieved areawide planning entity or unit of local government from any decision or action of the Secretary or areawide planning entity.

"ADVISORY COMMITTEE

"Sec. 312. (a) The Secretary is authorized to establish a Coastal Zone Management Advisory Committee (hereafter referred to as the Committee) to advise, consult with, and make recommendations to the Secretary on matters of policy concerning the coastal zone. Such committee shall be composed of not more than fifteen persons designated by the Secretary and shall perform such functions and operate in such a manner as the Secretary may direct.

"(b) Members of the committee who are not regular full-time employees of the United States, while serving on the business of the committee, including traveltime, may receive compensation at rates not exceeding \$100 per diem; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

"ESTUARINE SANCTUARIES

"Sec. 313. (a) The Secretary, in accordance with rules and regulations promulgated by him, is authorized to make available to a coastal State grants up to 50 per centum of the costs of acquisition, development, and operation of estuarine sanctuaries for the purpose of creating natural field laboratories to gather data and make studies of the natural and human processes occurring within and directly affecting the estuaries of the coastal zone. The Federal share of the cost for each such sanctuary shall not exceed \$2,000,000. No Federal funds received pursuant to section 306, shall be used for the purpose of this section.

"INTERAGENCY COORDINATION AND COOPERATION

"Sec. 314. (a) The Secretary shall not approve the management program submitted by a coastal State pursuant to section 306 unless the views of Federal agencies principally affected by such program have been adequately considered. In case of serious disagreement between any Federal agency and a coastal State in the development of the program the Secretary, in cooperation with

the National Coastal Resources Board, shall seek to mediate the differences.

"(b) (1) All Federal agencies conducting or supporting activities in the coastal zone shall administer their programs consistent with approved coastal State management programs except in cases of overriding national interest as determined by the President. Procedures provided for in regulations issued pursuant to section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 and title IV of the Intergovernmental Cooperation Act of 1968 shall be applied in determining whether Federal projects and activities are consistent with approved management programs.

"(2) Federal agencies shall not undertake any development project in the coastal zone of a coastal State which, in the opinion of the coastal State, is inconsistent with the management program of the coastal State unless the Secretary, after receiving detailed comments from both the Federal agency and the coastal State and affected local governments, finds that such project is consistent with the objectives of this title, or is informed by the Secretary of Defense and finds that the project is necessary in the interest of national security.

"(3) After the final approval by the Secretary of a coastal State's management program any applicant for a Federal license or permit to conduct any activity in the coastal and estuarine zone subject to such license or permit, shall provide in the application of the licensing or permitting agency a certification from the appropriate State agency that the proposed activity complies with the State's approved management program, and that there is reasonable assurance, as determined by the State, that such activity will be conducted in a manner consistent with the State's approved management program. The State shall establish procedures for public notice in the case of all applications for certification by it, and to the extent it deems appropriate, procedures for public hearings in connection with specific applications. If the State agency fails or refuses to act on a request for certification within six months after receipt of such request, the certification requirements of this subsection shall be waived with respect to such Federal application. No license or permit shall be granted until the certification required by this section has been obtained or has been waived as provided in the preceding sentence, unless, after receipt of detailed comments from the relevant Federal and State agencies, and the provision of an opportunity for a public hearing, the activity is found by the Secretary to be consistent with the objectives of this title or necessary in the interest of national security. Upon receipt of such application and certification, the licensing or permitting agency shall immediately notify the Secretary of such application and certification.

"(c) Coastal State and local governments submitting applications for Federal assistance under other Federal programs affecting the coastal zone shall indicate the views of the appropriate coastal State or local agency as to the relationship of such activities to the approved management program for the coastal zone. Such applications shall be submitted and coordinated in accordance with the provisions of title IV of the Intergovernmental Coordination Act of 1968 (82 Stat. 1038). Federal agencies shall not approve proposed projects that are inconsistent with a coastal State's management program, except upon a finding by the Secretary that such project is consistent with the purposes of this title or necessary in the interest of national security.

"(d) Nothing in this Act shall be construed—

"(1) to diminish either Federal or State jurisdiction, responsibility, or rights in the field of planning, development, or control of

water resources, submerged lands and navigable waters; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States, or of two or more States and the Federal Government; nor to limit the authority of Congress to authorize and fund projects;

"(2) to change or otherwise affect the authority or responsibility of any Federal official in the discharge of the duties of his office except as required to carry out the provisions of this title;

"(3) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies, except as required to carry out the provisions of this title; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board, and the United States Operating Entity or Entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission, United States and Mexico.

"ANNUAL REPORT

"Sec. 315. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress not later than November 1 of each year a report on the administration of this title for the preceding fiscal year. The report shall include but not be restricted to (1) an identification of the coastal State programs approved pursuant to this title during the preceding Federal fiscal year and a description of those programs; (2) a listing of the coastal States participating in the provisions of this title and a description of the status of each coastal State's programs and its accomplishments during the preceding Federal fiscal year; (3) an itemization of the allotment of funds to the various coastal States and a breakdown of the major projects and areas on which these funds were expended; (4) an identification of any coastal State programs which have been reviewed and disapproved or with respect to which grants have been terminated under this title, and a statement of the reasons for such action; (5) a listing of the Federal development projects which the Secretary has reviewed under section 314 of this title and a summary of the final action taken by the Secretary with respect to each such project; (6) a summary of the regulations issued by the Secretary or in effect during the preceding Federal fiscal year; (7) a summary of outstanding problems arising in the administration of this title in order of priority; and (8) such other information as may be appropriate.

"(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Secretary deems necessary to achieve the objectives of this title and enhance its effective operation.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 316. (a) There are authorized to be appropriated—

"(1) the sum of \$12,000,000 for the fiscal year ending June 30, 1973, and such sums as may be necessary for the fiscal year 1974 through 1977 for grants under section 305, to remain available until expended;

"(2) such sums, not to exceed \$50,000,000, as may be necessary for the fiscal year ending June 30, 1973, and such sums as may be necessary for each succeeding fiscal year thereafter for grants under section 306 to remain available until expended; and

"(3) such sums, not to exceed \$6,000,000 for the fiscal year ending June 30, 1973, as may be necessary for grants under section 313.

"(b) There are also authorized to be appropriated to the Secretary such sums, not to exceed \$1,500,000 annually, as may be neces-

sary for administrative expenses incident to the administration of this title.

"(c) (1) The Administrator of the National Oceanic and Atmospheric Administration of the Department of Commerce, after consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, shall enter into appropriate arrangements with the National Academy of Sciences to undertake a full investigation of the environmental hazards attendant on offshore oil drilling on the Atlantic Outer Continental Shelf. Such study should take into consideration the recreational, marine resources, ecological, esthetic, and research values which might be impaired by the proposed drilling and shall include recommendations to eliminate such environmental hazards, if any. A report shall be made to the Congress, to the Administrator, and to the Secretary by July 1, 1973.

"(2) There are authorized to be appropriated for the fiscal year in which this Act is enacted and for the next fiscal year thereafter such sums as may be necessary to carry out this subsection, but the sums appropriated may not exceed \$500,000."

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of S. 3507, as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT ON ADMINISTRATION OF THE NATURAL GAS PIPELINE SAFETY ACT OF 1968—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. EAGLETON) laid before the Senate the following message from the President of the United States, which with the accompanying report, was referred to the Committee on Commerce:

To the Congress of the United States:

I herewith transmit the Fourth Annual Report on the Administration of the Natural Gas Pipeline Safety Act of 1968. This report has been prepared in accordance with Section 14 of the Act, and covers the period of January 1, 1971, through December 31, 1971.

RICHARD NIXON
THE WHITE HOUSE, April 25, 1972.

AMENDMENT OF THE RAIL PASSENGER SERVICE ACT OF 1970

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 725. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 11417) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That section 303(d) of the Rail Passenger Service Act of 1970 (45 U.S.C. 543(d)) is amended by inserting immediately before the period at the end of the second sentence the following: ", except that no such officer shall receive compensation at a rate in excess of that prescribed for level I of the Executive Schedule under section 5312 of title 5, United States Code."

Sec. 2. Section 305 of the Rail Passenger Service Act of 1970 (45 U.S.C. 545) is amended by inserting the following after the second sentence: "Insofar as practicable, the Corporation shall directly operate and control all aspects of its rail passenger service."

Sec. 3. Section 306 of the Rail Passenger Service Act of 1970 (45 U.S.C. 546) is amended by inserting at the end thereof a new subsection as follows:

"(f) The Corporation shall be subject to the provisions of section 552 of title 5, United States Code."

Sec. 4. Section 308 of the Rail Passenger Service Act of 1970 (45 U.S.C. 548) is amended by redesignating subsections (a) and (b) as subsections (b) and (c), respectively, and by inserting a new subsection (a) as follows:

"(a) (1) Not later than the eightieth day following the end of each calendar month, the Corporation shall transmit to the Congress and release to the public the following information applicable to its operations for such calendar month:

"(A) Total itemized revenues and expenses.

"(B) Revenues and expenses of each train operated.

"(C) Revenues and total expenses attributable to each railroad over which service is provided.

"(2) Not later than the fifteenth day following the end of each calendar month, the Corporation shall transmit to the Congress and release to the public the following information applicable to its operations for such calendar month:

"(A) The average number of passengers per day on board each train operated.

"(B) The on-time performance at the final destination of each train operated, by route and by railroad."

Sec. 5. Section 308 of the Rail Passenger Service Act of 1970 (45 U.S.C. 548) is further amended by inserting at the end thereof a new subsection as follows:

"(d) The Corporation shall prepare and transmit to the Congress and to the President on or before November 1, 1972, a comprehensive report on the potential for transportation of mail and express on intercity passenger trains. The report shall identify the total volume of mail and express moving between points along routes over which intercity rail passenger service was being provided during April 1971; the breakdown of such volume by class within each category; the breakdown of such volume by the mode of transportation carrying it; and the breakdown of revenues accruing to each carrier from such transportation. The report shall estimate the potential volume and revenue which could be derived from transportation

of mail and express on intercity trains operated for the purpose of providing modern, efficient intercity transportation of passengers between points along routes over which intercity rail passenger service was being provided during April 1971, including consideration of utilization of containers, use of modern en-route sorting methods, and provision of express service by which the shipper must deliver the shipment to, and the receiver must pick up the shipment from, rail passenger stations. The Secretary, the Postmaster General, the Commission, and all carriers and forwarders of mail and express are hereby required to extend full cooperation to the Corporation in furnishing information for preparation of the report. The report shall include recommendations for such legislation as the Corporation determines is necessary or desirable to facilitate an increase in its transportation of mail and express."

Sec. 6. Section 402(a) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(a)) is amended by inserting the words "within ninety days after application by the Corporation," after "Interstate Commerce Commission shall," and before "if" in the second sentence.

Sec. 7. (a) Section 405(a) of the Rail Passenger Service Act of 1970 (45 U.S.C. 565(a)) is amended to read as follows:

(a) A railroad shall provide fair and equitable arrangements to protect the interests of employees, including employees of terminal companies, affected by a discontinuance of intercity rail passenger service whether occurring before, on, or after January 1, 1975. A 'discontinuance of intercity rail passenger service' shall include any discontinuance of service performed by railroad under any facility or service agreement under sections 305 and 402 of this Act or pursuant to any modification or termination thereof or an assumption of operations by the Corporation."

(b) Section 405(b) of the Rail Passenger Service Act of 1970 (45 U.S.C. 565(b)) is amended by inserting the following words after the words "affected employees" in the last sentence thereof: ", including affected terminal employees."

(c) Section 405(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 565(c)) is amended to read as follows:

"(c) Upon commencement of operations in the basic system, the substantive requirements of subsections (a) and (b) of this section shall apply to the Corporation and its employees in order to insure the maintenance of the protective arrangements specified in such subsections, except that nothing in this subsection shall be construed to impose upon the Corporation any obligation of a railroad with respect to any right, privilege, or benefit earned by any employee as a result of prior service performed for such railroad. The Secretary of Labor shall certify that affected employees of the Corporation have been provided fair and equitable protection as required by this section within one hundred and eighty days after assumption of operations by the Corporation."

Sec. 8. Section 405 of the Rail Passenger Service Act of 1970 (45 U.S.C. 565) is further amended by adding at the end thereof the following new subsection:

"(f) The Corporation shall take such action as may be necessary to assure that, to the maximum extent practicable, any railroad employee eligible to receive free or reduced-rate transportation by railroad on April 30, 1971, under the terms of any policy or agreement in effect on such date will be eligible to receive, provided space is available, free or reduced-rate transportation on any intercity rail passenger service provided by the Corporation under this Act, on terms similar to those available on such date to such railroad employee under such policy or agreement. However, the Corporation may

actly midway between the House figure of \$680 million and the Senate figure of \$727 million.

While the House conferees had sought to minimize any increase in the NSF budget above the House approved figure, I feel that the budget areas to which dollars were added are extremely worthwhile and merit our full support. The programs which were increased include science education as well as both basic and applied research.

I personally welcome the emphasis given by the conference report to select areas within the science education and basic research categories. These programs involve a wide spectrum of scientific and engineering fields, including mathematics, physical sciences, social sciences, engineering, materials research, environmental sciences, and biological and medical science. These research and educational activities will be carried out in all 50 of the States.

I feel that the conference report provides a budget program improved and strengthened over that originally submitted by NSF. Budget increases are being recommended but these are supported by convincing evidence. In fact, I think the committee of conference has shown sound fiscal restraint.

However, Mr. Speaker, I must express my very real personal disappointment at the action taken by both the House and Senate Appropriations Committees, as they reduced the NSF budget substantially below the administration request.

The original fiscal year 1973 NSF budget submittal of \$653 million was severely cut by both Appropriations Committees to \$623 million. In fact, the basic budget appropriated for this year holds the NSF funding at a figure identical to that of last year with the net result a reduction in the NSF program level from fiscal year 1972 to fiscal year 1973.

I am disappointed because I feel this appropriation cutback undermines a number of programs of crucial importance to the future of this Nation. Paradoxically, it would appear that we are setting out to reduce our scientific and technological capability at the very time our need for this knowledge and these skills is accelerating. Most assuredly, we will be ill-prepared in combating the problems of pollution, urban congestion, mass transportation, and energy production by continually decreasing this Nation's support for science education and research.

Therefore, I fully support this Authorization conference report as it seeks to maintain this Nation's strength in science and technology.

(Mr. CABELL asked and was given permission to revise and extend his remarks.)

Mr. BELL. Mr. Speaker, I have no further requests for time.

Mr. CABELL. Mr. Speaker, I have no further requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

COASTAL ZONE MANAGEMENT

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1063 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1063

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14146) to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zone, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 14146, the Committee on Merchant Marine and Fisheries shall be discharged from the further consideration of the bill S. 3507, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 14146 as passed by the House.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN) pending which I yield myself such time as I may consume.

Mr. Speaker, I know of no present controversy on this rule. Initially the matter was held up in the Committee on Rules because there was a controversy or conflict between the committee bringing this bill to the floor, the Committee on Merchant Marine and Fisheries, and the Committee on Interior and Insular Affairs. Since the conflict began, it has somehow been reconciled and objection to the granting of a rule on this particular matter was withdrawn by the chairman of that committee, and to the best of my knowledge, there is no controversy over the resolution.

The SPEAKER. The Chair recognizes the gentleman from Nebraska (Mr. MARTIN).

Mr. MARTIN. Mr. Speaker, the pending resolution, House Resolution 1063 provides for an open rule with 1 hour of debate on the bill H.R. 14146, coastal zone management bill.

This came out of the Committee on Merchant Marine and Fisheries unanimously, and as the gentleman from Missouri has explained, there are no fur-

ther objection from the chairman of the Committee on Interior and Insular Affairs to the consideration of this bill.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution. The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. LENNON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14146) to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zone, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14146, with Mr. LANDRUM in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from North Carolina (Mr. LENNON) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. MOSHER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. LENNON. Mr. Chairman, I yield myself such time as I may consume.

(Mr. LENNON asked and was given permission to revise and extend his remarks.)

Mr. LENNON. Mr. Chairman and members of the Committee: I rise at this time to urge the support of this committee for H.R. 14146, the coastal zone management bill, because I am convinced that it is imperative to implement such a program now before this Nation witnesses the tragic and wanton destruction of an irreplaceable natural resource, our estuaries, our wetlands, and our shorelines.

My interest, and I believe that interest is shared by a majority of the Members of this body, my concern for this precious and rapidly dwindling resource stems from the deep-seated personal conviction as well as from personal involvement over a period of at least 7 years during which I have worked with many other colleagues in the House to come to grips with the critical problems of the coastal zone, hopefully to produce meaningful legislation to cope with these problems.

Mr. Chairman, H.R. 14146 is the end product of these number of years of effort. Basically and fundamentally, it is designed to manage and in that management to insure the protection of the resources of the Nation's vital shoreline and estuarine areas. This bill authorizes funds during an initial 3-year program to develop the compatible State programs for the responsible conservation, develop-

ment and utilization of the Nation's coastal zones.

I want to emphasize, Mr. Chairman, that this legislation is truly national in scope. In addition to States bordering the Nation's coast, it will also provide for the active participation by the Great Lakes States, or a total of 30 States out of the 50 and four possessions or territories who are fundamentally concerned and involved and will participate.

I want to emphasize, Mr. Chairman, that we are talking today about the most dynamic and growing area of our Nation. Approximately, today, 75 percent of the Nation's population lives within the zone that we are discussing which encompasses approximately 100,000 statute miles of interior and exterior shoreline.

On the actual shoreline itself, approximately 65 million of the Nation's population are living and working, and there, industrial and recreational activities are placing unprecedented pressure upon these coastal areas.

As the population increases, these pressures will mount and become intolerable; unless rapid action—such as envisioned in this bill—is taken, these pressures will also become destructive, because competition for use of the remaining land areas in coastal zones will also increase; industrial and economic interests are already headed on a collision course with environmental interests, and the States will be caught in the middle, with no rational plan and no capability to cope with the situation.

Actually, the States are already experiencing these tremendous pressures—and those who live in a coastal State know what I am addressing myself to. Entire stretches of once beautiful shoreline have been engulfed and covered with concrete to meet the demands of ever-expanding metropolitan areas; the proximity of water and a stable labor source has lured more heavy industry to the shorelines; marine terminals and dredging for harbor channels have added to the destruction; and, ironically, the people who work for these industries—with more affluence and more leisure time than ever before—are descending upon the shores and beaches, the rivers and bays in a great and hungry quest for relaxation and recreation, and they find it in swimming, and fishing, and boating.

And yet, the very industries that provide these people with their new wealth and leisure are polluting the rivers and bays and gobbling up the last remaining, unspoiled areas that should be preserved for recreational and esthetic uses—such as wildlife refuges. The wildlife and the fish, which breed and spawn in these coastal areas are also being decimated by the encroachments and relentless demands of our industrially oriented society.

It is just part of human nature and we understand it. This legislation has a rational, fair, even-balanced approach. That is the reason we bring it here today.

What is the answer? How can these opposing interests of conservation and recreation on one hand and industry and urbanization on the other both be satisfied? It is a perplexing question. We

think we have certainly the first giant step of the right answer in this legislation. Is it possible to maintain our high economic standards through more industrial development and continued urban expansion—and at the same time, conserve our precious and beautiful natural resources for future generations of Americans to enjoy? That is the real question and we must face it today.

Mr. Chairman, I feel that a delicate but practical balance can be achieved. I believe it is possible to find a rational middle ground, where the forces of industry and ecology can live and work together, and I believe the solution to this dilemma can be found in H.R. 14146, the coastal zone management bill. I want to make it crystal clear that I do not claim—nor do I believe—that this legislation is the panacea to the manifold problems I have touched upon in my remarks here today. But I do sincerely believe this legislation can be the foundation—the touchstone, if you will—to a more sensible, happier, healthier America of tomorrow; it may represent nothing more than the opening wedge, but it is an intelligent approach to an extremely complex problem, and I am convinced that it will provide an emergency bastion in our fight to defend and preserve our vital coastal zones from increased pollution and eventual destruction.

Mr. Chairman, I think the \$145 million called for in this legislation is a small price to pay to preserve and properly utilize these invaluable areas. The first installment of these funds would be made available in grants to the States, on a matching-fund basis, to encourage them to initiate the planning phase of the program, which would be developed in the first 3 years.

All programs—I repeat, all programs would require the approval of the Secretary of Commerce, who would have the responsibility for this program, and the national program would be administered, appropriately, by the National Oceanic and Atmospheric Administration.

I digress from my prepared remarks to say that this House, this Congress, brought the National Oceanic and Atmospheric Administration into being by a vote of this House in 1970, by about 99 to 1 or less.

Even though the matter was considered by the Committee on Government Operations, some Members introduced a resolution to kill the so-called Reorganization Plan No. 4, but the Committee on Government Operations after hearings brought a favorable report to this body, and this body overwhelmingly, almost unanimously, on a rollcall vote, adopted it.

All other Federal agencies which would be involved or affected by proposed programs would also actively participate in the approval process.

No existing laws would be amended by the coastal zone management legislation, and Federal agencies would be required to conform—to the maximum extent practicable—with the programs submitted by the individual States; additionally, I call attention to the fact that the States would be required to consider the views and concerns of the

local governments and agencies, and all these concerned entities would be encouraged to participate in the development and implementation of State programs.

Mr. Chairman, I must also reiterate the sense of urgency which I expressed in my opening remarks today. I can not impress upon my colleagues too strongly the urgent need to take action now, today, and pass this legislation. It is already very late in the game, and we have waited too long to take the offensive. We dare not listen to those dissenting voices who—after all these years of procrastination and study and indecision—now tell us that we should wait a bit longer.

I must warn my colleagues, Mr. Chairman, that nothing better than H.R. 14146 is in the works. The basic concepts embodied in the legislation we are considering today was first conceived almost a decade ago, 10 years ago, when the problems and possible programs relating to the coastal zones were considered by the Marine Science Council and the Marine Science Commission, created by the Marine Resources and Development Act of 1966. Now we are in 1972. Detailed studies and recommendations followed, and a number of subsequent Federal studies examined the coastal zone problem in depth, recommended rapid action and warned of the ever-increasing threat to the continued healthy existence of these vital areas. The now-famous 1969 Stratton Report of the Marine Science Commission, known as "Our Nation and the Sea" made pertinent recommendations which resulted in legislation being introduced in both houses of the Congress.

On the House side, our Subcommittee on Oceanography sponsored a Coastal Zone Management Conference in October 1969. I do not recall another time when a committee of the Congress has ever sponsored a national conference. That is usually done by an executive branch of the Government.

We brought together in Washington people from all of the coastal States of the Union, from Puerto Rico, from the Virgin Islands, and from Samoa, people sent here by the respective governors who were knowledgeable about this problem. Seven panels were created. And from this came this legislation.

Our Subcommittee on Oceanography also held 8 full days of hearings on coastal zone problems in 1971, when a total of 24 witnesses representing every possible area of interest and expertise testified, and departmental reports were received from nine departments and agencies. Our Subcommittee on Oceanography also held 3 long and full days of executive sessions. The bill we are considering today is the final product of that long and extensive inquiry into the problem of coastal zones.

The legislation reflects the concepts and recommendations of the best minds in the business, not Members of Congress but governors, conservation experts, and agencies at every level I am speaking of. I do not think the bill could be much improved even if we might take another decade, and I hope we will not.

Mr. Chairman, the States of our great Nation cannot save their coastal areas

without help. We know that. We may as well face up to it. They need Federal aid and they need the vote of every Member of this House here today in support of this vital legislation.

I hope the Members here today respond to the urgent message contained in the legislation and not in what I have said and overwhelmingly vote for its passage here today so that the Record will indicate that this vote is a vote for the preservation of our country's economic and environmental health, because it is now abundantly clear that one cannot survive without the other.

Mr. Chairman, let me close my remarks by making this brief comment. You say that this has been under consideration over a number of years and why have we not been here before. Well, I am one of those people who believe that before you bring a bill to the floor of this House that involves the States, 30 States, if you please, in this Nation of ours, you ought to attempt to obtain the consensus of those people who would be affected, involved, and concerned, and participate in the meaningful implementation of this legislation. That is why, even though we got a consensus of the Governors and their departments of conservation and development and their respective marine science councils from all of those States, the thought occurred to me that this matter ought to be presented to the National Governors' Conference and not just the Southern or Eastern or Western Governors' Conference.

They went into this matter and passed a resolution supporting this bill. Then someone suggested to me, "well, how would the legislatures of the States of the Union react to this kind of legislation; will they understand it and will they participate in this program?" What did we do? We said "At your next national legislative conference involving the legislatures of the 50 States of the Union get into this thing and give us your views." We have the consensus by resolution of 50 legislatures of the States plus the 50 Governors of the 50 States. We also have your County Commissioners Association and your National League of Municipalities, because they are involved. We wanted to discuss it with them and get their reactions and get them out of the committee room and go to their respective conferences to resolve any differences they have.

So we are here now saying, my friends, that this legislation we present to you today is one of the few pieces of legislation I have been privileged to participate in which has the united support of all of the participants who will be involved in it; that is, the Governors of the States, the legislators, the county commissioners, and the members of the town and city councils.

What else can we do? We can give our support to this legislation today enthusiastically, which I believe is in the total national interest or else I would not be in the well of this House today saying what I have.

Thank you, Mr. Chairman.

Mr. MOSHER. Mr. Chairman, I yield myself 10 minutes.

(Mr. MOSHER asked and was given permission to revise and extend his remarks.)

Mr. MOSHER. Mr. Chairman, I yield myself 10 minutes.

(Mr. MOSHER asked and was given permission to revise and extend his remarks.)

Mr. MOSHER. Mr. Chairman, I enthusiastically support H.R. 14146.

Our bill will establish a national policy and develop a national program for the management, beneficial use, protection and development of the land and water resources of the Nation's coastal zones, including the Great Lakes area; and the evidence is completely convincing that this national policy and program development is crucially needed, is in fact long past due.

I strongly associate myself with the remarks of the gentleman from North Carolina (Mr. LENNON) the distinguished chairman of our Oceanography Subcommittee, with whom I have had the privilege of working closely for several years in the preparation of this bill and other important legislation concerning the oceans.

Mr. Chairman, I want to digress a moment to recognize that we in the Congress in the future will sorely miss AL LENNON's wise, effective leadership in matters of marine policy. It is a very sad fact that he will not run for reelection this year. I already have a profound feeling of personal loss that he will not be here in the 93d Congress. All of us on the Merchant Marine Committee will especially feel this loss. He has accomplished here a very solid, creative record of great importance to our nation, in addition to very effectively, conscientiously representing the interests of his own district. AL LENNON is greatly respected by all of us as a truly distinguished legislator's legislator. I say again, AL, we are going to miss you very, very much.

Also, Mr. Chairman, as I said on an earlier occasion, all of us are also going to miss the loss of the gentleman from Washington (Mr. PELLY) in much the same way as I have just mentioned the loss of the gentleman from North Carolina (Mr. LENNON). Our committee is going to be seriously handicapped by the loss of these two gentlemen.

Mr. Chairman, Congressman LENNON has just explained the many ramifications of this complex legislation. Since the days that both he and I were privileged to serve on the Stratton commission during the early part of the 91st Congress, he has worked diligently for the enactment of this legislation which is of such vital importance to the continued well-being of our economically and environmentally important coastal zones. To a great degree, his tireless energy and dedication to the problems of the coastal zone over these many years has proved fruitful by the consideration, and hopefully, ultimate passage of this vital piece of legislation which we are considering today.

The coast of the United States, certainly including the so-called fourth coast, the Great Lakes, is in many respects the Nation's most valuable geo-

graphic feature. There are some 99,600 miles of American shoreline, and 30 million people turn annually to those shoreline areas for swimming, boating and other recreational purposes; 40 million are projected by 1975. Sport fishing attracts 11 million people now and the number should increase to 16 million by 1975. By 1975, park and recreation areas in the coastal zone will be visited by twice as many people as now, and the number is expected to increase wayfold by the year 2000.

But, of course, recreation is only one of our many important uses of the coastal zone. Extremely important are the many commercial uses, including the many forms of commercial fishing, and these are rapidly expanding.

All of us should be aware that a huge proportion of our American population is crowding into the coastal zones.

So, Mr. Chairman, it is no wonder that the uses of valuable coastal areas have generated issues of intense national, State, and local interest.

Navigational military uses of the coasts and waters offshore are direct Federal responsibilities; economic development, recreation, and conservation interests are shared by the Federal Government and the States.

Rapidly intensifying commercial uses of coastal areas has outrun the capabilities of local governments to plan their orderly development and to resolve conflicts on a larger state and regional basis. The division of responsibilities among several levels of government is today unclear and knowledge and procedures for formulating sound management and utilization decisions are lacking.

Thirty-one of our States border on the coastal zone and contain 75 percent of the total national population. Pressures of population and economic development threaten to overwhelm the balanced and best use of the invaluable and irreplaceable coastal resources in natural, economic, and esthetic terms.

To resolve these pressures—an administrative and legal framework must be developed to promote balance and harmony among coastal zone activities based on scientific, economic, and social considerations. This is what the legislation before the House today will do.

The concepts, objectives, and framework of the bill had received the strong and vocal support of the Coastal States Organization, the National Governor's Conference, National Legislative Conference, innumerable individual State governments, conservation organizations, and other public interest groups.

Basically, the bill vests regulatory authority for the coastal zone management program on the Federal level in the National Oceanic and Atmospheric Administration—NOAA—located in the Department of Commerce; and on a State level, in the State agency designated by each State's Governor.

The coastal zone, and thus the ultimate parameters of the legislative impact, is closely defined. Within this "zone" the Secretary of Commerce is authorized to make annual grants to the applying States for financial assistance in actual development of a comprehensive

coastal zone management program and plan for the first 2 years after enactment. Then, during the next 2 years, the Secretary may provide additional assistance to the States in actual administration of the plan subsequently developed.

Other provisions of the bill provide appropriate requirements for public hearings, review of approved State programs by the Secretary of Commerce, recordkeeping procedures, establishment of an Advisory Committee, annual report to Congress, authority for the Secretary of Commerce to promulgate rules and regulations, and the following authorization levels:

Section 305 planning grants—\$15 million for fiscal years 1973, 1974, and 1975.

Section 306 administrative grants—\$50 million for fiscal years 1974 and 1975.

Section 313 estuarine sanctuaries—\$6 million for fiscal years 1973, 1974, and 1975.

Total authorization level through 1975 is \$172 million. Administration cost to the Federal Government is estimated to be \$3 million per year.

Mr. Chairman, there currently exists a myriad of overlapping and, at times, conflicting Federal, State, and local laws applicable to the coastal zone area. Section 307 avoids potential duplication of these and future legislative programs by requiring very close and continuing interagency coordination and cooperation among Federal agencies and between Federal and State agencies.

This "coastal zone management" legislation is complementary to other Federal programs and serves as a "coordinating" mechanism rather than one of "duplication." Specifically, section 307 states that the measure does not diminish Federal or State jurisdiction, responsibility, or rights under other programs and does not supersede, modify, or repeal existing Federal law.

The legislation further recognizes that appropriate land/water research areas are needed for scientific uses in key areas of the coastal zone as an aid in developing an appropriate State management plan and has provided, in section 312, for Federal financial assistance to coastal States for up to 50 percent of the cost of acquisition, development and operation of "estuarine sanctuaries" for purposes of research.

In addition, the measure provides for a Federal management program in the contiguous zone of the United States to insure that both Federal action in this zone, and State action within their jurisdictional limits offshore are coordinated and compatible with each other.

Mr. Chairman, this legislation is timely, comprehensive, balanced in scope and application. It will insure that future uses which we as a nation and a people desire to make of our valuable coastal zone, are done in a logical, orderly, and coordinated manner at all levels of Federal, State, and local government.

I urge an overwhelming vote for its approval.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. MOSHER. I yield to the gentleman from Washington.

Mr. PELLY. Mr. Chairman, I thank the

gentleman for yielding, and I join the distinguished gentleman from Ohio (Mr. MOSHER) in paying tribute to the great contribution made during his service in the House of Representatives by the gentleman from North Carolina (Mr. LENNON), as a member of the Committee on Merchant Marine and Fisheries, and especially as chairman of the Subcommittee on Oceanography.

All of us who serve with ALTON LENNON recognize his great interest in marine science, and as such, of course, he is one of the chief architects of the legislation which established the National Oceanographic and Atmospheric Agency. Similarly, as the chief sponsor of this bill, H.R. 14146, to protect and develop the land and water resources of the Nation's coastal areas, the gentleman from North Carolina (Mr. LENNON) again establishes himself as an author and architect of landmark conservation legislation.

Congressman LENNON, Mr. Chairman, will be greatly missed, but his legislative record and achievements assure that he will be remembered and honored by all those who in the future recognize the importance of oceanography, and the value of our land and water resources.

Mr. Chairman, I thank the gentleman for yielding.

Mr. LENNON. Mr. Chairman, I yield such time as he may consume to our distinguished chairman of the full Committee on Merchant Marine and Fisheries, the gentleman from Maryland (Mr. GARMATZ).

Mr. GARMATZ. Mr. Chairman, the Nation's vital shorelines and estuarine areas—the wetlands, woodlands, and wildlife habitats which are so valuable and irreplaceable—are facing constant and ever-growing absorption and destruction due to the demands of our modern society. H.R. 14146 is designed to protect and preserve these invaluable areas, and I feel that every member of the House has a responsibility to vote for passage of this important legislation.

I want to make it clear that, although I support the concepts of conservation, I am also acutely aware of the ever-growing needs of our dynamic industries; these industries need water and land—they need areas for more urban development; they need room for factory sites and other industrial expansion. All of these are compelling and legitimate needs, and I am convinced they must be fulfilled if our Nation is to remain economically healthy.

Despite the fact that industrial and environmental interests appear on a collision course; despite the fact that these two opposing forces must compete for the same valuable coastal zones, I am convinced that these two competing interests can learn to live together harmoniously. Indeed, unless they learn to do just this, future generations of Americans will be sentenced to an unthinkable hell where chaos will rule, and where industry and environment will both strangle in a quagmire of inadequate and decimated land resources, solely because proper planning for utilization of those resources was not carried out by this, our present generation of Americans.

Mr. Chairman, as President Truman so often said, "The buck stops here." This Congress and this generation must make hard decisions and take prompt action now—not next week or next month or next year, but right now—to-day, by this 92d Congress.

The legislation being considered by this Congress today is appropriately entitled the coastal zone management bill. It represents the first essential step toward discharging our responsibility, because it would authorize funding for an initial, 3-year program to lay down guidelines and to help the individual States develop intelligent, planned programs for the future conservation, development, and utilization of the Nation's coastal zones.

Mr. Chairman, I would like to reiterate that this bill is not just environmental oriented legislation. As chairman of the House Committee on Merchant Marine and Fisheries, I have always had a special concern for the American Merchant Marine and the maritime industry and I think everyone in this Chamber is well aware of my desire to see this industry grow and prosper. The maritime industry is also extremely important to the State of Maryland. As a matter of fact, the port of Baltimore, and its related maritime industries represent Maryland's largest economic asset. And yet, unless the State of Maryland begins now to make intelligent plans and decisions for the future, in 10 or 20 years from now, the port of Baltimore may find itself incapable of competing with other east coast ports.

The legislation before us today will eventually set up the machinery and provide the funds to help States like Maryland make intelligent and rational long-range plans for things such as port facilities which will be big enough and accessible enough to attract the huge super-ships which will dominate the commerce of tomorrow.

And while the State of Maryland plans for its ports of tomorrow—together with the channel dredging and other harbor installations that will be needed, it will also be forced to respond to pressure for more industrial sites, for more powerplants and for more living space for its ever-expanding population. Let us not forget that, while it is planning for all this, it must simultaneously plan to provide additional recreational space so that this increasing population can still enjoy the pleasures of the ever-shrinking coastal zones. In my State of Maryland, the Chesapeake Bay is also a primary economic asset—from the standpoint of commercial fishing as well as sports fishing and recreation oriented activities. Obviously, the State of Maryland must conserve and protect what is probably the biggest water playground on the east coast; and at the same time, it must also provide some of the waterfront space of that playground to industries which will be essential to the future economic health of the State.

Mr. Chairman, I have attempted to outline, in microcosm, the problems which are facing all the coastal States. Although these problems are mammoth, they are not insuperable. But these

problems will never be resolved unless the States are provided the Federal aid which is embodied in H.R. 14146.

H.R. 14146 is good legislation. It was not rammed through our committee hastily; conversely, it was given serious and prolonged consideration, through 8 days of hearings and 3 days of executive sessions under the auspices of our Subcommittee on Oceanography. My distinguished colleagues, Congressman ALTON LENNON, the chairman of the Oceanography Subcommittee; and Congressman CHARLES A. MOSHER, the ranking minority member of the subcommittee, devoted much of their time and effort to the development of the legislation we have before us today, and I hope my colleagues in the House will reward their efforts by supporting it.

As a Marylander, I want to preserve and maintain the Chesapeake Bay—the greatest estuarine area in the world—for the enjoyment of future Marylanders; and I want to maintain the health and vitality of the port of Baltimore. As an American, I want to protect and utilize the countless resources of thousands of miles of coastal beaches, wetlands, and invaluable estuary areas—before they are forever destroyed by a haphazard, piecemeal approach, and by a few generations of Americans too greedy and in too much of a hurry to see or care about the needs of the future.

Mr. Chairman, the buck stops here. The need to act is clear, and I am confident that the record will show that the 92d Congress did care about the future. I urge every Member of the House to vote for passage of this important legislation.

Mr. MOSHER. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. FORSYTHE).

Mr. FORSYTHE. Mr. Chairman, I thank the gentleman for yielding.

I rise in strong support of H.R. 14146. I think this is a very important bill for this Nation. As was pointed out by our distinguished chairman of the subcommittee and the distinguished chairman of the full committee, life itself starts in these coastal waters, and if we are to preserve these coastal areas and the environment needed by so many of our citizens this legislation must be passed.

New Jersey has attempted with a wetlands bill to move into this area and provide protection, but it needs the help of this type of Federal support to insure management of these coastal zones so as to protect them for the future enjoyment of our citizens.

Mr. MOSHER. Mr. Chairman, I yield 3 minutes to the gentleman from Delaware (Mr. DU PONT).

Mr. DU PONT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I commend my colleague from North Carolina (Mr. LENNON) chairman of the Merchant Marine Subcommittee on Oceanography for all his efforts to see that a sound coastal zone management bill was brought before the Congress before the end of the session. I think that we all recognize that after years of indiscriminate development and exploitation of our coastal areas, the Congress must immediately encourage each coastal State to develop

a plan for orderly use and development of our coastal resources, consistent with long-range social, economic, and environmental goals.

While many States are only now coming to realize the irreparable damage which has been done to their coastal ecosystems by uncontrolled and uninformed development, I am proud that Delaware was one of the first States to take an inventory of their coastal and estuarine resources and formulate viable and effective coastal zoning policy. Delaware with a coastline of only 120 miles, lies below a river valley containing over 7 million people and a concentration of major industrial firms. As a result of these pressures, the Delaware coast has been subjected to the pressures of people looking for recreation, for industries looking for place to expand. In addition, the shoreline is constantly being threatened by the less obvious forces of industrial and human waste from upstream.

Fortunately, the coastal zone policy pioneered by Governor Peterson and the State legislature has already begun to take effect and stem haphazard growth of the past. Projects which in years past which would have been approved without hesitation and which probably would have caused irreparable a despoliation of the local environment are now being given careful long-range consideration.

I am hopeful that other coastal States will be able to follow the lead set by Governor Peterson and the State of Delaware. I am pleased that the coastal zone bill now being considered by the Congress has set rational useage of our precious shorelines as a national priority. I think the provisions of the bill allow the maximum amount of incentives by providing generous assistance while at the same time avoiding undue Federal interference with the State's priorities. This will insure that each coastal State will have a sound scientific basis upon which to draw their plans, while at the same time having the flexibility to determine their own State's priorities in shoreline use.

I am hopeful that the coastal zoning concept will prove as successful in other States as it has in Delaware, and I urge my colleagues to support this bill and encourage the type of farsighted planning displayed by my State.

(Mr. DU PONT asked and was given permission to revise and extend his remarks.)

Mr. MOSHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GOODLING).

(Mr. GOODLING asked and was given permission to revise and extend his remarks.)

Mr. GOODLING. Mr. Chairman, I, too, want to associate myself with the remarks of Mr. Mosher, the gentleman from Ohio, and Mr. Pelly, the gentleman from Washington.

ALTON LENNON and I became friends when I first came to Congress.

As a member of the subcommittee he chairs, I have always found him eminently fair, will to listen to dissenting views, fair in all his dealings.

I join with my two colleagues who have

stated he will not only be missed by the Merchant Marine and Fisheries Committee, but by the entire House.

I wish him well as he retires from the Congress.

Mr. Chairman, I rise to associate myself with the comments and views of my colleagues on the Committee on Merchant Marine and Fisheries and to strongly urge passage of H.R. 14146.

The significance of the legislation under consideration by this body lies neither in its approach nor in its organization, but, rather, in the recognition of an overwhelming national need.

The coastal zone of these United States is, indeed, a national treasure, and the bill before us today, H.R. 14146, recognizes both its permanence and the emphasis which must be given to preserve it. We are now wisely viewing the coastal zone portion of land as deserving separate consideration in that it gives up its resources for our gain, often replenishes those resources, and provides a life style for a disproportionately large number of our people while asking little in return. But we have begun to ask too much of our coastal zone. We ask it to assimilate our waterborne wastes from deep within the interior part of our country including municipal, industrial, and agricultural refuse. We ask the coastal zone to accept an overburden of recreational activities which lead to haphazard and uncontrolled development for economic gain with associated social loss in the form of widespread destruction of valuable wildlife habitat. We ask it to assimilate larger and larger populations with attendant urban problems without regard for a carrying population enabling us to maintain a balance between man and nature.

Enactment of this comprehensive legislation will enable our States, already deeply involved in coastal zone management through commitment of State funds, resources, personnel, to develop a sound, logical, and rational basis for coordination of competing uses of our coastal zone areas and to insure that this valuable natural resource is preserved, protected, developed, and utilized to the benefit of both man and nature.

Mr. LENNON. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi (Mr. GRIFFIN).

(Mr. GRIFFIN asked and was given permission to revise and extend his remarks.)

Mr. GRIFFIN. Mr. Chairman, I rise in support of H.R. 14146, the Coastal Zone Management Act of 1972. Coming from a State that is on our gulf coast line and as a cosponsor of this bill, I am vitally concerned about the protection and development of our coastal areas.

Our Nation's coastal zone shoreline consists of approximately 100,000 statute miles. Residing within the States bordering that shoreline is almost 75 percent of our population. Further evidence of the great importance of this area is the \$300 million annual worth of commercial fish landings. Nearly \$100 billion worth of imports and exports cross paths here. Several billion dollars are spent annually for recreation.

The popularity of our coastal zones for

recreation, industry, and housing development has created serious problems in achieving orderly economic growth. The attractiveness of our coastal areas to live and play will not continue if the present situation is to remain unchecked. The development and growth of these areas has unfortunately contributed to the pollution and deterioration of our coastal waters. As these pressures for growth and development run rampant we become increasingly in danger of destruction of the living resources of the coastal waters.

It is indeed a hard choice we must make. But, if we are able to provide adequate protection of our coastal zone's natural environment as well as to arrange for the optimum utilization of its resources—we must act now.

The Coastal Zone Management Act is a call to action to confront this serious situation. The proposed legislation, H.R. 14146, is designed to encourage coastal States to move forward more rapidly in the development of a coordinated and cohesive coastal zone management program. This program of cooperation between the Federal, State, and local governments would significantly aid in the development of land and water use programs for the coastal areas.

In accomplishing the purpose of this bill, the Federal Government would provide funding to aid the States in the development of their programs and later the administration of them.

The bill establishes a grant program to the States to allow contributions, sharing up to two-thirds of a State's costs in their management plan programs. Each State affected would be able to share equally in this program as only a maximum of 15 percent of the total amount appropriated can be spent in any one State.

Only those programs that are progressing satisfactorily will be allowed to receive funding for a second grant. The legislation will be administered by the National Oceanic and Atmospheric Administration. NOAA will serve as the focal point in the Federal Government for coastal zone coordination and for the funding of approved State programs.

This legislation, I believe, represents a great step forward in recognizing the tremendous importance of the orderly development and protection of our coastal areas. It recognizes that various local interests must be drawn into State management programs. Throughout the bill provisions are made for broad coordination to insure the best possible approach to the problem.

I believe this is a workable program for the solution of a serious program that might continue to menace us in even greater proportions in the future. I welcome this legislation to meet the challenge and I welcome this opportunity to support it.

Mr. Chairman, I urge the approval of H.R. 14146.

Mr. LENNON. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Texas (Mr. PICKLE).

(Mr. PICKLE asked and was given permission to revise and extend his remarks.)

Mr. PICKLE. Mr. Chairman, I thank the gentleman for yielding.

I rise in strong support of H.R. 14146.

Mr. Chairman, it is past time that we establish a national policy and develop a program to assist States in the effective management, protection, and development of the coastal zones. I am particularly glad to see the management program grants authorized so that the States might present plans to manage these zones, and if the development grants are approved then the possibility follows that the administrative and estuaries sanctuary grants would be provided.

Texas has done a great deal of work in the planning for our coastal zones. Legislative and advisory committees are at work now, and I think our State will be in position to take advantage of some of these grants if bill is passed. I commend the Merchant Marine and Fisheries Committee for the advancement of this measure because we have no more important work ahead than the preservation of our coastal zones, bays, and estuaries.

Because of its coastline expanse, Texas faces the problems that face the industrialized urban coastal States, the undeveloped coastal States, the forested lowlands, the interior farm States, and the mountain States. The coastal zone of Texas is rich in natural, recreational, commercial, industrial, and esthetic resources. Competing demands on the resources of the coastal zone are increasing. Population growth and economic development have resulted in the loss of living marine resources, wildlife, and the nutrient-rich wetlands, and have caused permanent and adverse changes to ecological systems.

The Texas coastal zone includes 1,800 miles of bay and gulf shore lines and 2,100 square miles of shallow bays and estuaries, adjacent to 18,000 square miles of coastal lands. Within the coastal zone are more than 135 distinct environments ranging from those relatively stable to those delicately balanced. There is a wide ranging climate. The Texas coastal zone is a dynamic natural system with a spectrum of active geological, physical, biological, and chemical processes. Shoreline erosion and accretion operate to alter continually the boundary between land and water. Hurricanes strike the Texas coast with almost any impact, flooding more than 3,200 square miles of coastal lowlands in the past decade. Active and potentially active faults abound. Land surface subsidence occurs locally.

Concentrated in this zone of dynamic natural systems and abundant natural resources are nearly one-third of the State's population and nearly one-third of its total industry. Traffic on extensive artificially constructed intracoastal waterways and channels supports major port cities with a large volume of imports and exports. The State is the owner of more than 15 percent of the coastal zone, as well as the 3-league off-shore extension—10.35 miles. The State's 15 percent includes the bays and estuaries. The other 85 percent is privately owned.

The anticipated future growth of population and industry in Texas coastal

zones will have a significant effect on the natural resources of these areas of the State, and will also result in greater potential environmental pollution. Thus, the State of Texas must develop and maintain a coordinated plan for the judicial use and protection of its coastal air, water, and land resources.

A multidisciplinary research team at the University of Texas was formed at the request of the Governor's office, acting in concert with Interagency Council on Natural Resources in the Environment. It was charged with enumerating the various uses of coastal resources, as well as the effects of those uses. The long-range goal of that initial charge is the development of operational guidelines for effective management of the Texas coastal zone.

The continuing growth of the population of Texas, expanding urban development, industrial and economic growth, fragmented and uncoordinated planning, development of hazardous areas such as flood plains, and inadequate waste disposal planning, have contributed to a number of specific, pressing problems of environmental quality of regional and local concern throughout Texas. Scientific solutions and knowledgeable planning must be built on a sound scientific base. For example, the development of patterns of land use planning, management and development that are based on sound environmental, economic, and social values must be preceded by research. The University of Texas has been conducting such functional research for years. Four years ago, the bureau of economic geology, the State geological survey in Texas, began the preparation of an inventory of the State's land and natural resources. This work began an inventory of environmental, geological, and physical conditions that determine the capability of the land to sustain various uses in harmony with the environment. This inventory has served as the basis upon which other researchers have determined population densities and trends, and made economic projections. The environmental health engineering investigators have used this data to project the needs of sewage treatment facilities, including the pollution dangers of inadequate facilities. Potential environmentally safe areas for solid waste disposal are readily determined from the basic data accumulated.

This work has been completed on 20,000 square miles and is currently under way on an additional 30,000 square miles. This research has shown that the utilization of the multidiscipline team approach in environmental research is essential.

Research is also in progress at the University of Texas in an attempt to find solutions for the many and varied problems that are created by the need to use natural resources and maintain environmental quality. A detailed environmentally oriented study of surface mining in Texas was undertaken at the University of Texas last year. This study is in cooperation with the Texas General Land Office.

Mr. Chairman, these are only examples of the tremendous contributions the University of Texas is making toward the

further development of coastal zones and I think this university will be recognized as one of the major leaders in this field.

Probably the greatest single problem related to coastal zone management is acquiring sufficient knowledge upon which to base policy decisions. I believe the University of Texas Marine Science Institute at Port Aransas and the planned laboratory in Galveston will put Texas in a leading position to take the multifaceted approaches required for proper use and management of our coastal zones.

As early as 1935, Dr. E. J. Lund of UT, founder of the institute, recognized the importance to Texas of natural resources of the gulf; the uniqueness of the Texas marine environment and the need for public education and research on that environment. Today, under the leadership of its director, Dr. Carl Oppenheimer, and his assistant, Peter Perceval, the institute's staff of faculty and students is pursuing with great competence and vigor the two objectives of the institute: First, to encourage educational activities in the coastal environment; and second, to do both basic and applied research that will allow sensible use and management of the coastal environment.

The work of this institute will, I believe, effectively lay the foundation of knowledge necessary to put Texas in the forefront of those States which will give great emphasis to the proper care and use of their coastal areas.

It is my hope that this committee may be able to visit these facilities later to see the tremendous work we have underway for the development of the Texas coastal zone.

Mr. LENNON. Mr. Chairman, I yield 3 minutes to my distinguished colleague from Colorado (Mr. ASPINALL).

(Mr. ASPINALL asked and was given permission to revise and extend his remarks.)

Mr. ASPINALL. Mr. Chairman, I, too, wish to join in the tribute to our colleague and friend, Al Lennon. His approach to legislative matters has always been constructive. His cooperation with all his colleagues has been of the highest order.

I personally wish to thank him for his understanding of the position in which I find myself on this particular legislation. I am most happy he has been willing to overlook the delay I apparently caused him in bringing the legislation to the floor of the House.

I should like also to pay my tribute to our colleague from Washington. Tom Pelly, for his effective contributions throughout the years.

I am most happy that the bill has finally come to the floor. I am only sorry I am unable to support it in its present form.

I want it distinctly understood that what I have to say is not prompted by an endeavor on my part to maintain a committee jurisdictional position.

Mr. Chairman, although I agree with the objective of H.R. 14146, I am unable to support it. It may appear to some that since I come from a landlocked State I am not interested in the coastal zone or the estuaries, but this is not true. A great

deal of my committee work has been given to this particular part of our national welfare.

My purpose today is to state very briefly why I cannot support H.R. 14146.

This is legislation whose time has come but it addresses itself to only part of the problem. It involves a piecemeal approach to land use planning, and if it is enacted it will be more difficult to pass comprehensive legislation to take care of the entire problem. Should this bill and the national land use planning legislation both become law the result will be a duplicative and wasteful approach to a problem we all recognize as serious and demanding attention.

I regret that it has not been feasible to report the land use planning legislation developed by the Committee on Interior and Insular Affairs for House debate prior to our consideration today of H.R. 14146. H.R. 7211, identified as the "National Land Policy, Planning, and Management Act of 1972" is a comprehensive land use planning bill, covering all of the lands in the United States, including those lying in coastal zones. It provides for one planning program administered by one Federal agency—the Department of the Interior, which should have this responsibility.

In summary, the passage of H.R. 14146 does not seem to be a wise course of action because—

It is a piecemeal approach to land use planning and may imperil the comprehensive land use planning program;

It gives the responsibility for land use planning to the wrong department. It should be placed in the Department of the Interior. The need for planning the management of the coastal zone includes a need to regulate the development of mineral resources which is already a function of the Secretary of the Interior;

It provides grants for planning and regulating land use in the coastal zones that are equal to the amount contemplated for planning and regulating land use throughout the Nation;

Its State grant program would require the States to set up duplicate planning programs—one for the coastal zones and one for the State generally; and

It would lead to wasteful and inefficient Federal administration—administration by the Secretary of Commerce for the coastal zones and administration by the Secretary of the Interior for the whole State—after comprehensive legislation is enacted. The two systems are incompatible and competitive.

For these reasons, I question the advisability of enactment of this legislation today.

Mr. MOSHER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. I thank the gentleman for yielding me this time.

(Mr. KEITH asked and was given permission to revise and extend his remarks.)

Mr. KEITH. Mr. Chairman, 5 years ago, the bill before us today could not have existed, for it is only in the fairly recent past that we have come to recognize the coastal zone for what it is—a

closely interrelated ecological entity. Different agencies and different levels of Government each regulated, or failed to regulate, their own little piece of the coastal zone and its resources, with little coordination and little understanding of the interconnections they were dealing with.

Today, though, we know better. We know that filling in an estuarine marsh in one place may affect the fisherman's catch miles away; a chemical factory at one location can affect the quality of recreational beaches somewhere else; a marine built at point A could wipe out a productive shellfish bed at point B.

We know this—and we know that at the present time, the coordination and cooperation between governmental bodies at the State and local level is entirely inadequate to the situation.

This is the main purpose of this bill—to encourage, through Federal aid and assistance, the kind of coordination and planning, at the State level, that will be necessary if the vast resources of the coastal zone are to be used most appropriately.

Such coordination can also be of help in another way. One of the biggest problems facing the nuclear power industry, for example, is the bureaucratic maze they must go through to get approval for their plants, which are very often located in the coastal zone. Certainly the task would be much easier and faster if the State and local regulations were coordinated. Both the environment and the need for power could be better served than they are by today's diffusion of responsibility.

This bill does not address itself to the overall question of land use management—in fact, it specifically is restricted to the coastal zone. Some have urged that this bill be held until a comprehensive land use measure could be passed that would include the coastal zone as well.

To wait, however, seems to me to be a mistake. The coastal zone is in great danger of over-development, and while the same kind of problems face us with respect to the land, they are not so immediate. The coastal zone, too, is a much more manageable undertaking, and may indeed serve as a valuable precedent and example for later land use management legislation.

The bill before us today is the result of lengthy hearings, many meetings, and inputs from a great variety of experts and concerned citizens. It is a well-thought-out measure that, if enacted, will be of great benefit to the cause of saving our Nation's immensely valuable coastal zone resources. It is an important and timely start to finding a solution to a very pressing problem, and I urge its adoption.

Mr. MOSHER. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. KYL).

(Mr. KYL asked and was given permission to revise and extend his remarks.)

Mr. KYL. Mr. Chairman, the gentleman from Colorado has put this matter in proper context.

I would first like to straighten out one matter which was suggested by the sub-

committee chairman when he spoke, but I think he unintentionally left a misunderstanding. He said that the committee had contacted and worked with the National League of Cities and United States Conference of Mayors on this matter and thereby gave the impression that they were approving the legislation which is before us. I would, therefore, like to read into the Record at this point a letter dated August 2, 1972, from the National League of Cities and the United States Conference of Mayors. It is addressed to me, and it reads as follows:

NATIONAL LEAGUE OF CITIES,
U.S. CONFERENCE OF MAYORS.
August 2, 1972.

Hon. JOHN KYL,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KYL: The National League of Cities and the United States Conference of Mayors are deeply concerned that approval of H.R. 14146, the "Coastal Zone Management Act of 1972", would cause irreparable harm to cities' ability to engage in effective and comprehensive land use planning and management. H.R. 14146 would fragment local planning by establishing a coastal zone management program separate and distinct from cities' land use programs. A broad national growth policy to define national goals and then a national land use policy to guide state and local implementation is needed, not further fragmentation of local planning by isolating coastal zones for separate and distinct management. The problems associated with our coastal zones can be adequately dealt with through a comprehensive land use policy. Broad land use controls would be granted to the Department of Commerce, which has little experience in land use planning, and could lead to serious administrative difficulties with the land use management responsibilities of the Departments of Interior and Housing and Urban Development, particularly if H.R. 7211, National Land Use Policy Act, is adopted.

Cities would have only a minimal involvement in land use decisions that affect vital concerns of every city. The National League of Cities and the U.S. Conference of Mayors have proposed numerous ways which, if adopted, would have provided criteria and procedures to assure adequate protections for local governments and coordination with other local planning and implementation programs, while at the same time protecting our coastal resources. H.R. 14146 does not provide those protections. Undeniably, the protection and the development of our coastal zones is necessary, but we feel that this can best be achieved by those closest to the problem, rather than those most removed. We respectfully urge that H.R. 14146 not be adopted at this time.

Sincerely,

ALLEN E. PRITCHARD, Jr.,
Executive Vice President, National
League of Cities.

JOHN J. GUNTHER,
Executive Director, U.S. Conference,
of Mayors.

Mr. MOSHER. Mr. Chairman, will the gentleman yield briefly?

Mr. KYL. Why, of course.

Mr. MOSHER. I think it is important for the Record to state that when this organization representing the mayors testified before our committee it is true they objected to the bill and urged that this authority be placed in HUD. I feel confident that the Members of this House of Representatives would recognize that the coastal zone management function should not be placed in HUD, but that

was their argument at the time they came before our committee.

Mr. KYL. May I tell the gentleman that this letter is dated August 2, 1972, from the National League of Cities and the U.S. Conference of Mayors and says nothing about granting authority to HUD but calls for a national land use planning program in lieu of that being suggested here, and it is dated, as I say, August 2, 1972.

However, the gentleman's comment is interesting because it gets right to the point of this matter.

Here we have a bill in land use management—land and water management—and it is proposed here that this authority for the management be given to the Secretary of Commerce. If we were to follow this kind of fragmentation in land use planning, then I suppose we would have a separate department governing land use in the mountainous areas and one for the public areas and one for the private areas and one for the country under that department and one for the city under HUD.

There are a whole lot of problems in even defining this matter, for how far back from the beach does the authority of the Department of Commerce go in this matter? What is the seashore? We will get into a situation ultimately where we have a national organization and the Department of the Interior administering the national land use policy.

If we did adopt this bill we would be consolidating, Mr. Chairman, under the Department of Commerce not only those cities and rural areas but the Department of Commerce would have authority up to a certain boundary line, perhaps a street, and then the Department of the Interior and the National Land Use Agency would have the authority beyond that point.

This bill is a good bill if it were included as a part of the national land use plan.

Mr. Chairman, it is my intention that when we get to the amending stage to offer an amendment which would put this activity not in the Department of Commerce, but in the Department of the Interior.

A report is now ready on a bill which has come from the Committee on Interior and Insular Affairs of the House which places the primary responsibility for national land use management in an agency in the Department of the Interior with a very much better developed and coordinated effort among the various departments of the Government than we find in this proposal which is before us today.

I think the only sensible way to act is in a unified fashion so that we can have national goals, and so that we can have a national program so that the local governments, the county governments and the State governments will not have to be running to six or seven different departments of the Government to get their attention.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. MOSHER. Mr. Chairman, I yield 1 additional minute to the gentleman from

Iowa (Mr. KYL) inasmuch as I consumed 1 minute of the gentleman's time.

Mr. KYL. Mr. Chairman, I thank the gentleman.

Mr. Chairman, there is even in the bill itself which is before us today a contradiction which I think would render this program rather useless, and that is in section 307 on Interagency Coordination and Cooperation.

In paragraph (b) it says:

"(b) The Secretary shall not approve the management program submitted by a State pursuant to section 306 unless the views of Federal agencies principally affected by such program have been adequately considered. In case of serious disagreement between any Federal agency and the State in the development of the program the Secretary, in cooperation with the Executive Office of the President, shall seek to mediate the differences.

These amendments which I will offer have been proposed by the administration. That does not make it a political matter because I believe that any administration would ask for the same amendments because no administration wants the fragmentation which is called for under the bill which is before us, Mr. Chairman.

Mr. MOSHER. Mr. Chairman, I yield 4 minutes to the gentleman from Washington (Mr. PELLY).

(Mr. PELLY asked and was given permission to revise and extend his remarks.)

Mr. PELLY. Mr. Chairman, I would like to first say with regard to what the gentleman from Iowa (Mr. KYL) said, that our committee considered that viewpoint, and we saw nothing inconsistent in this bill with the eventual overall land and water planning for conservation.

Mr. Chairman, I rise to voice my support for passage and enactment of H.R. 14146, coastal zone management legislation. I completely concur in the previous remarks of the distinguished chairman of the Subcommittee on Oceanography (Mr. LENNON) and the subcommittee's ranking minority member (Mr. MOSHER). Both of these gentlemen have worked on this fine piece of legislation going back as far as 1969—when the subcommittee first held a symposium on this issue and when both were privileged to serve on the Stratton Commission which further identified the coastal zone problems and the need for legislative solution. Their combined efforts have resulted in a measure which is equitable, strongly supported by a host of organizations, States, and Members of Congress, and which identifies and provides for solutions to the immediate and long-range planning and administration needs of this valuable natural resource—the Nation's coastlands and related waters.

The demand for coastal zone uses has and will continue to rise. Conflicting and competing use demands for this area will necessarily increase in terms of greater pressure for industrial sites, powerplants, housing, shipping facilities, harbors, wilderness areas, and recreational needs. Hodgepodge and willy-nilly development, in the absence of a

sound area management plan, will further perpetuate and increase the damage which we, as a nation, have done to our coastal areas in the past—as evidence by continued increases in the level of air pollution, water pollution, urban sprawl and blight, and total destruction of our valuable estuarine areas—spawning and food sources for practically every species which lives in the oceans and coastal waters.

The importance of enactment of national legislation on the coastal zone becomes readily apparent if you look at the tremendous amount of executive and legislative attention that has been paid to coastal zone problems on a State level. The State of Hawaii has a strong coastal zone act, as does the State of Delaware. Florida, Texas, California, Maine, New Hampshire, Oregon, Virginia, and Missouri are all in various stages of either enactment of their version of coastal zone management or establishment of administrative control mechanisms. My own State of Washington recently, in the last legislature, enacted "coastal zone" legislation. In fact, I am not aware of a single coastal State in this country which has not addressed itself to the complexities of coastal zone management in one form or another.

Yet, individual States are unable to solve the many complexities of coastal zone problems which cross political and geographical boundaries, on their own initiative. There must be a total Federal, State, and local statutory framework within which each State can function in close coordination with all levels of our governmental structure. Failure to pass and enact the legislation pending before us now will continue to perpetuate the "limbo" status which this country has been in, in regard to a wise management and utilization of coastal zone resources, for some time.

This Nation can ill afford to "continue to wait to begin to commence" in solving coastal zone resource utilization problems. I urge the passage and enactment of H.R. 14146 which will insure that past mistakes in management are rectified, that present utilizations are well thought out and planned, and that future plans, programs, and projects all complement each other, on a Federal, State, and local level, by becoming integral parts of an overall management and administration plan.

Mr. MOSHER. Mr. Chairman, I have no further requests for time on this side, and I yield the balance of the time remaining on this side to the gentleman from North Carolina (Mr. LENNON).

Mr. LENNON. Mr. Chairman, I thank the distinguished gentleman from Ohio.

Mr. Chairman, I yield to the distinguished gentleman from California (Mr. ANDERSON) such time as he may consume.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of the bill H.R. 14146, the Coastal Zone Management Act, and in so doing, I wish to commend the distinguished chairman of our subcommittee for the tremendous amount of input and great deal of time and effort on this bill.

H.R. 14146, is a bill to encourage the

various coastal States to develop plans and programs to manage our coastal areas in the public interest. I think it is a very good bill.

It is estimated that about 53 percent of our Nation's population is concentrated within 50 miles of the coastline and the Great Lakes. Predictions of population trends suggest that by the year 2000 this same area will be inhabited by 80 percent of the national population.

Large industrial complexes are lured to the coastal areas by available land, labor, and water.

Housing developments have covered the landscape in what were once remote areas. In California alone, landfills have destroyed 75 percent of the coastal marshes.

Hard choices must be made between protecting the environment and developing the coastal areas. If those choices are going to be rational, we must encourage the States and localities to devise plans which will both protect the environment and allow controlled uses within the coastal zone.

The bill before us today, H.R. 14146, which I coauthored, would authorize the Secretary of Commerce to make grants to the coastal States to develop management programs.

Under the bill a State must:

First, specify the zone boundaries;

Second, establish permissible activities within the zone area;

Third, designate particularly critical areas;

Fourth, issue guidelines on the priority of uses, and

Fifth, describe the State's method of implementing the plan.

In addition, the Secretary of Commerce is authorized to pay the State up to 66 percent of the cost of the administration of the State program.

Mr. Chairman, of particular interest to me is a subsection, which I authored, designed to protect State-established coastal sanctuaries, such as exists off California, from federally authorized development.

The State of California in 1955 created five marine sanctuaries to protect the beaches from oil spills. In 1963, two more sanctuaries were created.

These State-established sanctuaries, which extend from the coastline seaward to 3 miles, account for nearly a fourth of the entire California coast.

However, the Federal Government has jurisdiction outside the State area, from 3 miles to 12 miles at sea. All too often, the Federal Government has allowed development and drilling to the detriment of the State program.

A case in point is Santa Barbara where California established a marine sanctuary banning the drilling of oil in the area under State authority.

Yet, outside the sanctuary—in the federally controlled area—the Federal Government authorized drilling which resulted in the January 1969 blowout. This dramatically illustrated the point that oil spills do not respect legal jurisdictional lines.

In order to protect the desires of the citizens of the coastal States who wish

to establish marine sanctuaries, I offered a provision which "requires that the Secretary of Commerce shall, to the maximum extent practicable, apply the coastal zone program to waters immediately adjacent to the coastal waters of a State, which the State has designated for specific preservation purposes." The Merchant Marine and Fisheries Committee approved this provision.

Our Federal policy must be in support of State laws; for without conformity, State laws may be useless.

Our coasts are both a State and National treasure, and must be protected from unwise, ill-planned usage. The bill before us today would be a giant step toward the establishment of a rational policy to meet present demands and also to protect future needs.

(Mr. ANDERSON of California asked and was given permission to revise and extend his remarks.)

Mr. LENNON. Mr. Chairman, I yield to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Chairman, I take this time, first of all, to commend the gentleman from North Carolina (Mr. LENNON) for his leadership on this bill. I certainly hope he might be considered by the President as one who might be in line to head up the Coastal Zone Management Advisory Committee. I know of no other person in the Congress who has worked so diligently and so long on this issue.

I would like to ask the gentleman what assurance he can provide that the members of the Coastal Zone Management Advisory Committee will not be entirely dominated by those people who own property or riparian rights or who have a beneficial interest and beneficial rights along the coastal land?

What assurance can the gentleman provide that this Advisory Committee which has a great deal to do about policy will not be dominated by those who have property rights rather than those who are interested solely in the public interest?

Mr. LENNON. I can say to my friend that that particular query or question was not developed in the hearings related to the Advisory Committee.

It gives a National Advisory Committee to the Secretary. It would not be of an advisory capacity if on the State, county, or municipal level.

I can only express the hope and I am sure the majority of the Members of this House do—that this committee of 10 will be constituted primarily in substantial majority of people who are interested primarily not only in keeping what we have, but in reclaiming that which has been damaged in the past.

However, if you say that anyone owning property or having a fee simple interest in property, who is living in the coastal zone—you are immediately going to knock out over 66 million people who live in the coastal zone areas that we have defined.

I would say to you I will write a letter, assuming that this legislation becomes law—I will immediately write a letter to the Secretary in which I will express my strong view that the majority of those members of the Advisory Committee

ought to be people who do not have a land interest.

I can think of a man who may have a fishing shack somewhere on one of your lake shores. He could not be a member. Or some man who might have a cottage, a small cottage along the 100,000 miles of beachland in this country—he could not be on this committee. We have to have a balance, and we will do what we can to get that. I assure you I have the same feelings you do about it.

Mr. VANIK. I thank the gentleman.

Mr. LENNON. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. DOWNING), a member of the subcommittee and one of the prime sponsors of this bill.

(Mr. DOWNING asked and was given permission to revise and extend his remarks.)

Mr. DOWNING. Mr. Chairman, I rise in full and enthusiastic support of this legislation. It is probably one of the most important ecological bills that has or will come to us during this session of Congress.

Our coastal zones are deteriorating badly and rapidly and I think it is a proper obligation of the Federal Government to assist those States in halting this decay.

If this bill becomes the law of the land, as I hope it will, most of the credit must belong to the distinguished gentleman from North Carolina (Mr. ALTON LENNON) who has worked long and hard to bring this into being. This is not his only monument of achievement; he has many others which will inure to the benefit of the country he loves so well.

Of course, the same holds true for our dear friend, the Honorable TOM PELLY, of Washington, who has contributed so much to this legislation.

Mr. Chairman, if there has been some reservation expressed on the part of the cities of the United States, certainly that does not apply so far as the States themselves are concerned.

I would like to bring to your attention the specific positions of three organizations which represent different aspects of the State governmental structure. The first of these is the National Governors' Conference. That organization, which represents the Governors of all the States, was represented at the subcommittee hearings by Gov. Jimmy Carter of Georgia, who spoke in support of the legislation.

Consistent with Governor Carter's testimony, a report of the Committee on Natural Resources and Environmental Management at the 63d annual meeting of the National Governors' Conference, in September 1971, stated:

... for two successive years the National Governors' Conference has adopted a strong policy position relating to coastal zone policy, planning and management. Underscored has been the need for a balanced approach for conservation and development through appropriate administrative and legal devices ... the Committee considers (this need) of even greater significance in 1971 than ... in the previous two years.

The Conference itself subsequently reaffirmed its policy position on coastal zone planning. In effect, it endorsed the

legislation before the subcommittee and urged its immediate enactment.

Consistent with his testimony is the following excerpt from the final report of the intergovernmental relations committee of the National Legislative Conference, dated August 1970:

The need for coastal zone management legislation derives from the inestimable importance of the estuarine and coastal environment to the nation's economy, environmental health and quality of life. ...

While Federal and local government involvement is essential to any effective coastal management program, States must assume primary responsibility for assuring that the public interest is served in the multiple use of the land and waters of the coastal zone.

In summarizing, the committee recommended that Federal coastal zone management legislation should be flexible, nonpreemptive, and adequately funded on a two-thirds Federal, one-third State basis.

The third organizational group to which I would like to refer is the coastal States Organization, which is composed of the representatives of the Governors of the several coastal States, all of which will be directly affected by the bill. Representing that organization, Dr. William J. Hargis, Jr., chairman of the Virginia Institute of Marine Science, strongly urged the enactment of coastal zone legislation.

I hope that my colleagues will overwhelmingly support this bill.

Mr. HARRINGTON. Mr. Chairman, I rise today in support of the coastal zone management bill, which would take a vital first step toward a program of rational planning to preserve and protect our coastal areas.

It is clear that the current state of these areas dictates immediate action. The coastal areas, crowded with more than half of the Nation's population, experience the squeeze between conflicting demands for use with great intensity. The fragile ecological chain, with its complex string of interconnections between plant, animal, and human life there, is being irrevocably damaged. The crush of population growth further increases the pressure on the finite resources of the coastal areas. We have taken from the coastal zones in a helter-skelter pattern of development, without serious thought to the long-range consequences of our actions. The affluent society grows, and the coastal zone suffers.

As with any areas of environmental concern, solutions do not come easily. Sitting here in Congress, we cannot merely reach for simple answers. We cannot deal with one aspect of the environmental system without examining all of its parts. It would be irresponsible and unproductive for us to impose the proper course for handling our coastal zones.

The value of this bill is that it recognizes this reality, and places basic management in the hands of State and local authorities most familiar with the needs of their areas. Armed with the assistance of scientific, environmental, economic, and social advisers, these officials can

develop the most feasible local plan for managing coastal lands and waters.

Without abandoning our responsibility to set national goals and expectations for policy in this area, the bill accomplishes this delegation of authority essential to sound management practice.

However, it is not without some reservation that I vote for this measure. I recognize that it provides grants and guidelines for planning State management programs, and does not provide comprehensive coastal area protection. Thus, I vote for the coastal zone management bill with the hope that it does not become just another trumpeted planning bill without subsequent substantive action. It is essential for Congress to follow through on its commitment to national coastal area policy while maintaining State authority over local policy formulation. We cannot allow this bill to join those other high-sounding Federal programs we have abandoned in mid-stream. We must fight the remainder of this environmental battle.

Nevertheless, the policy statement in this bill is clear: programs must "give full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development." In other words, social and ecological concerns will be weighed in the balance sheet of coastal zone development. We are now paying the costs of disregarding these factors in past cost-benefit analyses, creating what is generally recognized as an environmental crisis. By acknowledging the importance of these environmental factors, this bill achieves the balance essential to the continuation of human life on this fragile and threatened planet.

Another critical concern when dealing with features of our environment is the need for regional planning. Coastal waters flow freely across State boundaries, affecting many jurisdictions. The principle of compatible land uses applies to the entire stretch of coastal land, irrespective of legally created dividing lines. Clearly the answer is coordination between various jurisdictions in the planning of coastal zone management. This bill embodies that ideal in a national policy to encourage cooperative, regional and joint action. Although these provisions might not provide the strongest means to overcome jurisdictional difficulties, it is a forthright and workable recognition that this problem must be met before rational policies on coastal zone use can be set forth.

The concept of estuarine sanctuaries is an essential one, to preserve and restore selected coastal areas as natural laboratories to study processes which we still do not fully comprehend. In some cases, man's forceful entry into the coastal zone ecology has irretrievably disrupted the natural situation. But we must arrest this process before we have lost all natural coastal areas, and with them a valuable source of scientific knowledge about life there. Coastal estuaries are among the most productive areas on this planet. They are critical areas for the breeding of many species of commercially important fish, for ex-

ample. As our "spaceship Earth" faces its finite resource capability, we must gather the knowledge necessary in the biologically active estuaries so that we can deal with future life needs.

The bill goes further in the creation of such sanctuaries, but not far enough. It requires procedures in state plans for the designation of preserves and restored areas for ecological and recreation uses. Steps must be taken to further encourage such preserves, and I urge the administrators of this bill—if it is finally approved—to make such actions a central part of any coastal zone management operation.

In short, I support this bill because it recognizes that rational planning of natural resources has come of age. More than that, it has become a basic requirement of survival at a stage of history where uncontrolled growth is now confronting a limited capacity for expansion. Recent studies have sounded the warning that mankind—and especially Americans with our technologically advanced society—must begin to examine the value of development without regard for environmental preservation. To maximize the use of our common natural heritage for all citizens, some restraints must be placed on the onward rush of development oftentimes blindly disguised as "progress." These restraints should come in the form of rational resource analysis, and allocation to various compatible uses with regard to the basic needs of human existence.

The protection of our coastal zones does not mean that we are merely saving fish and ocean plant life; the future of human life is at stake. Just as laissez-faire capitalism became a threat to human development and was discarded, so too we must begin to shake off the constraints of a system which dictates that commercial development is our only priority. In the crucial area of coastal zones, which require immediate attention lest they be lost forever, we can take this step toward a planned approach to resource allocation. If we do not, future generations will be forced to pay, and pay dearly, for our lack of concern and understanding.

Mr. KYROS. Mr. Chairman, as a representative from a coastal State vitally affected by this legislation, I gladly rise in support of H.R. 14146, the Coastal Zone Management Act, which I also cosponsored.

Maine's coastline is justly famous for its beauty, and is certainly one of the State's most valuable resources and economic assets. Maine has recently suffered one of its worst oil spills ever, and this tragic accident, dumping over 100,000 gallons of oil on our lovely shores, only reinforced the urgency to act now to protect and preserve our irreplaceable national coastlines and Great Lakes areas. With Maine's 4,052 miles of shoreline, we will be one of the many States directly benefiting from the long-range planning found in this act. However, all Americans will profit from the national policy established in this legislation, creating management programs to protect and wisely develop the water re-

sources and adjacent lands of our country.

It is almost a truism to state that our population is most heavily concentrated near waterways and bodies of water, thereby placing the most intense pressures on these areas through industrial, recreational, and housing uses. This trend will continue in the future, making it imperative that special guidelines and programs be established now by the affected States, with the assistance of the Federal Government, to insure that our shorelines and Great Lakes areas are used in the most effective way possible. This means to protect, preserve, and restore the beauty of our coasts, in addition to insuring their most efficient use by all sectors of our economy.

This act also covers two areas often neglected by other legislation: Estuaries and marshlands. These valuable sanctuaries for nurseries and spawning grounds must be protected to insure adequate marine resources for the future, because it is estimated that 70 percent of the commercial fishing in the United States is done in coastal waters. This industry has already suffered greatly in recent years, a fact well known in Maine and the rest of New England, due to pollution and contamination in breeding waters.

Our national coastline totals more than 88,000 miles, and we must enact this legislation—which was passed by the Senate without a dissenting vote—to insure that all future generations of Americans will be able to enjoy this most valued national resource.

Mr. STEELE. Mr. Chairman, I wish to express my support of the coastal zone management bill. This environment legislation encourages States to meet the urgent problems of their coastal areas. The Federal Government offers funds to cover 66⅔ percent of the States' expenses and establishes guiding criteria for those States electing to conserve, regulate, plan, and develop coastal regions. The initiative and authority to contend with the web of demands upon the coastal zone remain with the States.

About 75 percent of the American people today reside in the 30 States bordering the oceans and the Great Lakes. Increasingly, we turn to the border waters for our recreation needs. Our commercial fishermen concentrate 70 percent of their efforts in coastal waters. Our industrial plants, oil wells, powerplants, and shipping increasingly utilize our coastal lands and waters.

Yet today we lack the technical information crucial to successful coastal management decisions. We know little about the impact of man's activities or of natural processes on the ecology of the coastal area. The coastal zone management bill's general principles, and especially its estuarine sanctuaries provision, will support the kind of scientific studies necessary to wisely plan and protect the Nation's coastal regions.

Our immediate need for imaginative State research and management programs is clear if we are to successfully conserve and optimally utilize this invaluable resource.

Mr. VANIK. Mr. Chairman, I would like to commend the Committee on Merchant Marine and Fisheries for the fine work on this bill. Because I represent a district with a long coastal zone on Lake Erie, I am well aware of the need for a Coastal Zone Management Act as the one under discussion.

I am particularly happy to note that the committee has included flood control and shoreline erosion prevention as items which it expects to see included in the comprehensive State programs which must be approved prior to the allocation of Federal funds. Certainly no bill whose purpose is to protect, preserve, develop, and, where possible, to restore or enhance the resources of the coastal zone would be complete without addressing the problem of shoreline erosion prevention, a problem which endangers the very existence of much of the present coastal zone. In this sense, the improved coastal zone management which will result from the enactment of this bill will be an important first step in the fight against shore line erosion; but, it will only be a first step.

What really is needed is a comprehensive national program for the prevention of the shoreline erosion of both public and private lands where the benefit-cost ratio justifies such protection. Because of the high percentage of shoreline property which is held in private hands, a program which only attempts to protect public lands, such as the one currently administered by the Army Corps of Engineers, simply is not sufficient. For example, in the Great Lakes region, 150 miles of the 216 miles of critically eroding shoreline are held in private hands and are not, therefore, eligible for Federal funds for shoreline erosion prevention.

In the Lake County area of my own district, the problem of shoreline erosion on private land, and the helplessness of the private landowner, was tragically brought to light when four houses tumbled into the lake as a result of the crashing waves and high water levels caused by tropic storm Agnes. In this area of high bluffs composed of soft glacial till and clay, the shoreline has been eroding at a fantastic pace, in some spots as much as 30 feet per year, and, therefore, the occurrence of some type of a catastrophe was simply inevitable. But, because the residents of this area did not have the financial resources to undertake an effective shoreline erosion prevention program, they had no choice but to live with the constant fear of losing their homes in an unpredictable and life-threatening manner. This is an intolerable situation, and I believe it ought not to be allowed to persist.

In sum, Mr. Chairman, the inclusion of shoreline erosion prevention plans in coastal zone management programs will hopefully do much to make both State and Federal officials more aware of the existence of this important problem. But, to bring shoreline erosion really under control, far more must be done for both our public and our private coastal shorelines. If much more is not done, we must anticipate the loss of not only many more

houses, and the tax revenue from those houses, but also the loss of streets and public utilities. Surely, the time to act on this problem is now.

Mr. LEGGETT. Mr. Chairman, our continental coastal areas are remarkable for their beauty, for their economic importance, and for the degree to which we have neglected them.

Our coastal areas include 100,000 miles of shoreline on which 65 million Americans live. Our coasts are crossed by almost \$100 billion worth of exports and imports annually.

The development of our coastal areas has been literally without planning. The result has been severe and steadily worsening air and water pollution. Have major and growing conflicts between the interests of industry power, housing, shipping, recreation, and conservation.

We cannot please everybody, but we can try to make the most reasonable and satisfactory compromises between the various interests. We can only do this with an intelligent, coordinated management program, which at present we do not have.

The purpose of this bill is to provide Federal support for States to establish such a program. In future years we will wonder how we ever did without it.

Mr. LENNON. Mr. Chairman, I would like to express my deep appreciation for the very gracious remarks made by my colleagues. Had the compliments which have been suggested come a little earlier, I might have reconsidered the decision I made last November.

Mr. Chairman, we have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will read the amendment in the nature of a substitute printed in the bill as an original bill for the purpose of amendment under the 5-minute rule.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for a comprehensive, long-range, and coordinated national program in marine science, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering and Resources, and for other purposes", approved June 17, 1966 (80 Stat. 203) as amended (33 U.S.C. 1101-1124), is further amended by adding at the end thereof the following new title:

"TITLE III—MANAGEMENT OF THE COASTAL ZONE

"SHORT TITLE

"SEC. 301. This title may be cited as the 'Coastal Zone Management Act of 1972'.

"CONGRESSIONAL FINDINGS

"SEC. 302. The Congress finds that—

"(a) There is a national interest in the effective management, beneficial use, protection, and development of the coastal zone;

"(b) The coastal zone is rich in a variety of natural, commercial, recreational, industrial, and esthetic resources of immediate and potential value to the present and future well-being of the Nation;

"(c) The increasing and competing demands upon the lands and waters of our coastal zone occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuel, trans-

portation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources, have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion;

"(d) The coastal zone, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destruction by man's alterations;

"(e) Important ecological, cultural, historic, and esthetic values in the coastal zone which are essential to the well-being of all citizens are being irretrievably damaged or lost;

"(f) Special natural and scenic characteristics are being damaged by ill-planned development that threatens these values;

"(g) In light of competing demands and the urgent need to protect and to give high priority to natural systems in the coastal zone, present state and local institutional arrangements for planning and regulating land and water uses in such areas are inadequate; and

"(h) The key to more effective protection and use of the land and water resources of the coastal zone is to encourage the states to exercise their full authority over the lands and waters in the coastal zone by assisting the states, in cooperation with Federal and local governments and other vitally affected interests, in developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.

"DECLARATION OF POLICY

"SEC. 303. The Congress declares that it is the national policy (a) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations, (b) to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development, (c) for all Federal agencies engaged in programs affecting the coastal zone to cooperate and participate with state and local governments and regional agencies in effectuating the purposes of this title, and (d) to encourage the participation of the public, of Federal, state, and local governments and of regional agencies in the development of coastal zone management programs. With respect to implementation of such management programs, it is the national policy to encourage cooperation among the various state and regional agencies including establishment of interstate and regional agreements, cooperative procedures, and joint action particularly regarding environmental problems.

"DEFINITIONS

"SEC. 304. For the purposes of this title—

"(a) 'Coastal zone' means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the outer limit of the United States territorial sea. The zone extends inland from the shorelines only to the extent necessary to control those shore-

lands, the uses of which have a direct impact on the coastal waters.

"(b) 'Coastal waters' means (1) in the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great Lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes and (2) in other areas, those waters, adjacent to the shorelines, which contain a measurable quantity or percentage of sea water, including, but not limited to, sounds, bays, lagoons, bayous, ponds, and estuaries.

"(c) 'Coastal state' means a state of the United States in, or bordering on, Atlantic, Pacific, or Arctic Ocean, the Great Lakes. For the purposes of this title, the term includes Puerto Rico, the Virgin Islands, Guam, and American Samoa.

"(d) 'Estuary' means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage. The term includes estuary-type areas of the Great Lakes.

"(e) 'Estuarine sanctuary' means a research area which may include any part or all of an estuary, adjoining transitional areas, and adjacent uplands, constituting to the extent feasible a natural unit, set aside to provide scientists and students the opportunity to examine over a period of time the ecological relationships within the area.

"(f) 'Secretary' means the Secretary of Commerce.

"MANAGEMENT PROGRAM DEVELOPMENT GRANTS

"SEC. 305. (a) The Secretary is authorized to make annual grants to any coastal state for the purpose of assisting in the development of a management program for the land and water resources of its coastal zone.

"(b) Such management program shall include:

"(2) an identification of the boundaries of the portions of the coastal state subject to the management program;

"(2) a definition of what shall constitute permissible land and water uses;

"(3) an inventory and designation of areas of particular concern;

"(4) an identification of the means by which the state proposes to exert control over land and water uses, including a listing of relevant constitutional provisions, legislative enactments, regulations, and judicial decisions;

"(5) broad guidelines on priority of uses in particular areas, including specifically those uses of lowest priority;

"(6) a description of the organizational structure proposed to implement the management program, including the responsibilities and interrelationships of local area-wide, state, regional, and interstate agencies in the management process.

"(c) The grants shall not exceed 66% per centum of the costs of the program in any one year. Federal funds received from other sources shall not be used to match the grants. In order to qualify for grants under this subsection, the state must reasonably demonstrate to the satisfaction of the Secretary that such grants will be used to develop a management program consistent with the requirements set forth in section 306 of this title. Successive grants may be made annually for a period not to exceed two years; *Provided*, That no second grant shall be made under this subsection unless the Secretary finds that the state is satisfactorily developing such management program.

"(d) Upon completion of the development of the state's management program, the state shall submit such program to the Secretary for review and approval pursuant to the provisions of section 306 of this title, or such other action as he deems necessary. On final

approval of such program by the Secretary, the state's eligibility for further grants under this section shall terminate, and the state shall be eligible for grants under section 306 of this title.

"(e) Grants under this section shall be allocated to the states based on rules and regulations promulgated by the Secretary: *Provided, however*, That no management program development grant under this section shall be made in excess of 15 per centum of the total amount appropriated to carry out the purposes of this section.

"(f) Grants or portions thereof not obligated by a state during the fiscal year for which they were first authorized to be obligated by the state, or during the fiscal year immediately following, shall revert to the Secretary, and shall be added by him to the funds available for grants under this section.

"(g) With the approval of the Secretary, the state may allocate to a local government, to an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, to a regional agency, or to an interstate agency, a portion of the grant under this section, for the purpose of carrying out the provisions of this section.

"(h) The authority to make grants under this section shall expire on June 30, 1975.

"ADMINISTRATIVE GRANTS

"Sec. 306. (a) The Secretary is authorized to make annual grants to any coastal state for not more than 66⅔ per centum of the costs of administering the state's management program, if he approves such program in accordance with subsection (c) hereof. Federal funds received from other sources shall not be used to pay the state's share of costs.

"(b) Such grants shall be allocated to the states with approved programs based on rules and regulations promulgated by the Secretary, which shall take into account the extent and nature of the shoreline and area covered by the plan, population of the area, and other relevant factors: *Provided, however*, That no annual administrative grant under this section shall be made in excess of 15 per centum of the total amount appropriated to carry out the purposes of this section.

"(c) Prior to granting approval of a management program submitted by a coastal state, the Secretary shall find that:

"(1) The state has developed and adopted a management program for its coastal zone in accordance with rules and regulations promulgated by the Secretary, after notice, and with the opportunity of full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, public and private, which is adequate to carry out the purposes of this title and is consistent with the policy declared in section 303 of this title.

"(2) The state has:

"(A) coordinated its program with local, areawide, and interstate plans applicable to areas within the coastal zone existing on January 1 of the year in which the state's management program is submitted to the Secretary, which plans have been developed by a local government, an areawide agency designated pursuant to regulations established under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency; and

"(B) establish an effective mechanism for continuing consultation and coordination between the management agency designated pursuant to paragraph (5) of this subsection and with local governments, interstate agencies, and areawide agencies within the coastal zone to assure the full participation of such local governments and agencies in carrying out the purposes of this title.

"(3) The state has held public hearings in

the development of the management program.

"(4) The management program and any changes thereto have been reviewed and approved by the Governor.

"(5) The Governor of the state has designated a single agency to receive and administer the grants for implementing the management program required under paragraph (1) of this subsection.

"(6) The state is organized to implement the management program required under paragraph (1) of this subsection.

"(7) The state has the authorities necessary to implement the program, including the authority required under subsection (d) of this section.

"(8) The management program provides for adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature.

"(9) The management program makes provision for procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreational, ecological, or esthetic values.

"(d) Prior to granting approval of the management program, the Secretary shall find that the state, acting through its chosen agency or agencies, including local governments, areawide agencies designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, regional agencies, or interstate agencies, has authority for the management of the coastal zone in accordance with the management program. Such authority shall include power—

"(1) to administer land and water use regulations, control development in order to insure compliance with the management program, and to resolve conflicts among competing uses; and

"(2) to acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program.

"(e) Prior to granting approval, the Secretary shall also find that the program provides:

"(1) for any one or a combination of the following general techniques for control of land and water uses:

"(A) State establishment of criteria and standards for local implementation, subject to administrative review and enforcement of compliance;

"(B) Direct state land and water use planning and regulation; or

"(C) State administrative review for consistency with the management program of all development plans, projects, or land and water use regulations, including exceptions and variances thereto, proposed by any state or local authority or private developer, with power to approve or disapprove after public notice and an opportunity for hearings.

"(2) for a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit.

"(f) With the approval of the Secretary, a state may allocate to a local government, an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency, a portion of the grant under this section for the purpose of carrying out the provisions of this section: *Provided*, That such allocation shall not relieve the state of the responsibility for insuring that any funds so allocated are applied in furtherance of such state's approved management program.

"(g) The state shall be authorized to amend the management program. The modification shall be in accordance with the pro-

cedures required under subsection (c) of this section. Any amendment or modification of the program must be approved by the Secretary before additional administrative grants are to be made to the state under the program as amended.

"(h) At the discretion of the state and with the approval of the Secretary, a management program may be developed and adopted in segments so that immediate attention may be devoted to those areas of the coastal zone which most urgently need management programs: *Provided*, That the state adequately allows for the ultimate coordination of the various segments of the management program into a single unified program and that the unified program will be completed as soon as is reasonably practicable.

"INTERAGENCY COORDINATION AND COOPERATION

"Sec. 307. (a) In carrying out his functions and responsibilities under this title, the Secretary shall consult with, cooperate with, and, to the maximum extent practicable, coordinate his activities with other interested Federal agencies.

"(b) The Secretary shall not approve the management program submitted by a state pursuant to section 306 unless the views of Federal agencies principally affected by such program have been adequately considered. In case of serious disagreement between any Federal agency and the state in the development of the program the Secretary, in cooperation with the Executive Office of the President, shall seek to mediate the differences.

"(c) (1) Each Federal agency conducting or supporting activities in the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs.

"(2) Any Federal agency which shall undertake any development project in the coastal zone of a state shall insure that the project is, to the maximum extent practicable, consistent with approved state management programs.

"(3) After final approval by the Secretary of a state's management program, any applicant for a required Federal license or permit to conduct an activity affecting land or water uses in the coastal zone of that state shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the state's approved program and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to the state or its designated agency a copy of the certification, with all necessary information and data. Each coastal state shall establish procedures for public notice in the case of all such certification and, to the extent it deems appropriate, procedures for public hearings in connection therewith. At the earliest practicable time, the state or its designated agency shall notify the Federal agency concerned that the state concurs with or objects to the applicant's certification. If the state or its designated agency fails to furnish the required notification within six months after receipt of its copy of the applicant's certification, the state's concurrence with the certification shall be conclusively presumed. No license or permit shall be granted by the Federal agency until the state or its designated agency has concurred with the applicant's certification or until, by the state's failure to act, the concurrence is conclusively presumed, unless the Secretary, on his own initiative or upon appeal by the applicant, finds, after providing a reasonable opportunity for detailed comments from the Federal agency involved and from the state, that the activity is consistent with the objectives of this title or is otherwise necessary in the interest of national security.

"(d) State and local governments submitting applications for Federal assistance under other Federal programs affecting the coastal zone shall indicate the views of the appropriate state or local agency as to the relationship of such activities to the approved management program for the coastal zone. Such applications shall be submitted and coordinated in accordance with the provisions of title IV of the Intergovernmental Coordination Act of 1968 (82 Stat. 1098). Federal agencies shall not approve proposed projects that are inconsistent with a coastal state's management program, except upon a finding by the Secretary that such project is consistent with the purposes of this title or necessary in the interest of national security.

"(e) Nothing in this section shall be construed—

"(1) to diminish either Federal or state jurisdiction, responsibility, or rights in the field of planning, development, or control of water resources and navigable waters; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more states or of two or more states and the Federal Government; nor to limit the authority of Congress to authorize and fund projects;

(2) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board, and the United States operating entity or entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission, United States and Mexico.

"Sec. 308. All public hearings required under this title must be announced at least thirty days prior to the hearing date. At the time of the announcement, all agency materials pertinent to the hearings, including documents, studies, and other data, must be made available to the public for review and study. As similar materials are subsequently developed, they shall be made available to the public as they become available to the agency.

"REVIEW OF PERFORMANCE

SEC. 309. (a) The Secretary shall conduct a continuing review of the management programs of the coastal states and of the performance of each state.

"(b) The Secretary shall have the authority to terminate any financial assistance extended under section 306 and to withdraw any unexpended portion of such assistance if (1) he determines that the state is failing to adhere to and is not justified in deviating from the program approved by the Secretary; and (2) the state has been given notice of proposed termination and withdrawal and an opportunity to present evidence of adherence or justification for altering its program.

"RECORDS

"SEC. 310. (a) Each recipient of a grant under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of the funds received under the grant, the total cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of the grant that are pertinent to the determination that funds granted are used in accordance with this title.

"ADVISORY COMMITTEE

"SEC. 311. (a) The Secretary is authorized and directed to establish a Coastal Zone Management Advisory Committee to advise, consult with, and make recommendations to the Secretary on matters of policy concerning the coastal zone. Such committee shall be composed of not more than ten persons designated by the Secretary and shall perform such functions and operate in such a manner as the Secretary may direct. The Secretary shall insure that the committee membership as a group possesses a broad range of experience and knowledge relating to problems involving management, use, conservation, protection, and development of coastal zone resources.

"(b) Members of said advisory committee who are not regular full-time employees of the United States, while serving on the business of the committee, including travel-time may receive compensation at rates not exceeding \$100 per diem; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

"ESTUARINE SANCTUARIES

"SEC. 312. (a) The Secretary, in accordance with rules and regulations promulgated by him, is authorized to make available to a coastal State grants of up to 50 per centum of the costs of acquisition, development, and operation of estuarine sanctuaries for the purpose of creating natural field laboratories to gather data and make studies of the natural and human processes occurring within the estuaries of the coastal zone. The Federal share of the cost for each such sanctuary shall not exceed \$2,000,000. No Federal funds received pursuant to section 305 or section 306 shall be used for the purpose of this section.

"(b) When an estuarine sanctuary is established by a coastal State, for the purpose envisioned in subsection (a), whether or not Federal funds have been made available for a part of the costs of acquisition, development, and operation, the Secretary, at the request of the State concerned, and after consultation with interested Federal departments and agencies and other interested parties, may extend the established estuarine sanctuary seaward beyond the coastal zone, to the extent necessary to effectuate the purposes for which the estuarine sanctuary was established.

"(c) The Secretary shall issue necessary and reasonable regulations related to any such estuarine sanctuary extension to assure that the development and operation thereof is coordinated with the development and operation of the estuarine sanctuary of which it forms an extension.

"MANAGEMENT PROGRAM FOR THE CONTIGUOUS ZONE OF THE UNITED STATES

"SEC. 313. (a) The Secretary shall develop, in coordination with the Secretary of the Interior, and after appropriate consultation with the Secretary of Defense, the Secretary of Transportation, and other interested parties, Federal and non-Federal, governmental and nongovernmental, a program for the management of the area outside the coastal zone and within twelve miles of the baseline from which the breadth of the territorial sea is measured. The program shall be developed for the benefit of industry, commerce, recreation, conservation, transportation, navigation, and the public interest in the protection of the environment and shall include, but not be limited to, provisions for the development, conservation, and utilization of fish and other living marine resources, mineral resources, and fossil fuels, the development of aquaculture, the promotion of recreational opportunities, and the coordination of research.

"(b) To the extent that any part of the management program developed pursuant to this section shall apply to any high seas area, the subjacent seabed and subsoil of which lies within the seaward boundary of a coastal state, as that boundary is defined in section 2 of title I of the Act of May 22, 1953 (67 Stat. 29), the program shall be coordinated with the coastal state involved.

"(c) The Secretary shall, to the maximum extent practicable, apply the program developed pursuant to this section to waters which are adjacent to specific areas in the coastal zone which have been designated by the states for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values.

"ANNUAL REPORT

"SEC. 314. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress not later than November 1 of each year a report on the administration of this title for the preceding Federal fiscal year. The report shall include but not be restricted to: (1) an identification of the state programs approved pursuant to this title during the preceding Federal fiscal year and a description of those programs; (2) a listing of the states participating in the provisions of this title and a description of the status of each state's program and its accomplishments during the preceding Federal fiscal year; (3) an itemization of the allotment of funds to the various coastal states and a breakdown of the major projects and areas on which these funds were expended; (4) an identification of any state programs which have been reviewed and disapproved or with respect to which grants have been terminated under this title, and a statement of the reasons for such action; (5) a listing of all activities and projects which, pursuant to the provisions of subsection (c) or subsection (d) of section 307, are not consistent with an applicable approved state management program; (6) a summary of the regulations issued by the Secretary or in effect during the preceding Federal fiscal year; (7) a summary of a coordinated national strategy and program for the Nation's coastal zone including identification and discussion of Federal, regional, state, and local responsibilities and functions therein; (8) a summary of outstanding problems arising in the administration of this title in order of priority; and (9) such other information as may be appropriate.

"(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Secretary deems necessary to achieve the objectives of this title and enhance its effective operation.

"RULES AND REGULATIONS

"SEC. 315. The Secretary shall develop and promulgate, pursuant to section 553 of title 5, United States Code, after notice and opportunity for full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the provisions of this title.

"PENALTIES

"SEC. 316. (a) Whoever violates any regulation which implements the provisions of section 312(c) or section 313(a) of this title shall be liable to a civil penalty of not more than \$10,000 for each such violation, to be assessed by the Secretary. Each day of a continuing violation shall constitute a separate violation.

"(b) No penalty shall be assessed under this section until the person charged shall have been given notice and an opportunity to be heard. For good cause shown, the Secretary may remit or mitigate any such penalty. Upon failure of the offending party to pay

the penalty, as assessed or, when mitigated, as mitigated, the Attorney General, at the request of the Secretary, shall commence action in the appropriate district court of the United States to collect such penalty and to seek other relief as may be appropriate.

"(c) A vessel used in the violation of any regulation which implements the provisions of section 312(c) or section 313(a) of this title shall be liable in rem for any civil penalty assessed for such violation and may be proceeded against in any district court of the United States having jurisdiction thereof.

"(d) The district courts of the United States shall have jurisdiction to restrain violations of the regulations issued pursuant to this title. Actions shall be brought by the Attorney General in the name of the United States, either on his own initiative or at the request of the Secretary.

"APPROPRIATIONS

"Sec. 317. (a) There are authorized to be appropriated—

"(1) the sum of \$15,000,000 for fiscal year 1973 and for each of the two succeeding fiscal years for grants under section 305 to remain available until expended;

"(2) the sum of \$50,000,000 for fiscal year 1974 and for fiscal year 1975 for grants under section 306 to remain available until expended; and

"(3) the sum of \$6,000,000 for fiscal year 1973 and for each of the two succeeding fiscal years for grants under section 312, to remain available until expended.

"(b) There are also authorized to be appropriated such sums, not to exceed \$3,000,000, for fiscal year 1973 and for each of the two succeeding fiscal years, as may be necessary for administrative expenses incident to the administration of this title.

Mr. LENNON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AMENDMENT OFFERED BY MR. KYL

Mr. KYL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KYL: On page 34, line 16, delete "Commerce" and substitute therefor "the Interior."

Mr. KYL. Mr. Chairman, this is a land water management bill which the chairman says involves management of land on which we have 66 million people living. It is a land use management bill.

The Department of the Interior has been designated to administer the National Land Use Policy Act of 1972, which is proposed in H.R. 4332, which has cleared the Committee on Interior and Insular Affairs, and it is so designated because of its expertise in and its statutory responsibility for natural resource management. For the same reasons that Interior is the Federal agency best able to administer a program of assistance for comprehensive statewide land use planning, it is the department best able to assist with land use planning in the coastal zone. Interior bureaus with coastal zone competence include the National Park Service, the Bureau of Sport Fisheries and Wildlife, the Geological Survey, the Bureau of Outdoor Recreation, and the Bureau of Land Management.

If coastal zone management is to be a meaningful first step toward comprehensive statewide land-use planning, the program authorized by H.R. 14146 should be structured to anticipate integrated administration by a single department whose capabilities are adequate to achieve this objective. If the Department of Commerce were to administer a program of assistance for coastal zone planning, and the Department of the Interior a program for the balance of each State, the resulting duplication or arbitrary division of effort would hinder the States' adoption and implementation of a truly comprehensive land-use policy.

Adoption of this amendment would in no way affect the continued availability to States of the expertise in marine affairs which is unique to the National Oceanographic and Atmospheric Administration.

We can almost reduce this matter to an absurdity. If Commerce is going to administer coastal zones, then why should not the Agriculture Department administer rural areas and the HUD the city planning, and so on ad infinitum. This matter belongs in the Interior Department and not in the Commerce Department.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Chairman, I wish to state to my colleagues, the gentleman from Iowa and my colleagues of the committee, that if this amendment could be approved by the committee, it would remove a great deal of my objection to the bill as it now is for the simple reason that I do not like to see fractionated administrative operations and procedures. This would put the matter of the administration of the public lands—and these are part of the public lands and also related to private land uses—in one Department and there would not be this difficulty of duplication.

I support my colleague's amendment.

Mr. KYL. I would ask the gentleman from Colorado, in this offshore area which is included by some coordinated effort in this bill, in spite of the protestations that there is no setting aside of other law, do we not come into conflict with laws on the books with respect to mining use in that Outer Continental area?

Mr. ASPINALL. My colleague's position is entirely logical. Of course two jurisdictions are involved, the Department of the Interior and the other is under the agency administering the Intercontinental Shelf legislation. This is one of the deficiencies in this legislation. I think if we could put it in the one Department we would remove a great many of the difficulties I see lying ahead.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, is it the gentleman's feeling in offering this amendment that the Department of the Interior would be somewhat more vigilant in protecting the public

interest than possibly the Commerce Department?

Mr. KYL. No. My argument is simply this. In the first place we are going to have national land-use planning calling for statewide comprehensive land-use plans.

Under any such bill I am absolutely confident that the burden for administration will be a land-use planning agency within the Department of the Interior, because it is now that Department which is in charge of land-use planning.

As a matter of fact, under the land and water conservation fund each State has to have a comprehensive outdoor recreation plan already under the Interior Department.

So far as the one-third of the Nation under public lands is concerned, the Interior Department has complete jurisdiction.

There is no way of taking the Interior Department out of this picture. Because it is so deeply involved, because it has expertise, because it has departments involved in land-use planning now, it is the logical place to put this.

My argument is that we should not fragment the effort, frustrate the States and frustrate the local governments by having them go to six or seven departments to get the word as to what they must do on land-use planning.

Mr. LONG of Maryland. The gentleman's reasoning sounds persuasive to me. I support his amendment.

Mr. LENNON. Mr. Chairman, I rise in opposition to the amendment.

I believe this is typical, once again. We anticipated this.

I should like to make it crystal clear that the gentleman who was just in the well was not reflecting the administration downtown on Pennsylvania Avenue. If the gentleman wishes to respond to that, will he please document it and read the letter from the person downtown in which it is requested, in spite of the fact that the White House, with the wholehearted concurrence of this body as well as the other body, created NOAA, the National Oceanic and Atmospheric Agency, where this function would be.

Does the gentleman wish to respond that he has a letter in his possession from the White House in which they say they are requesting this legislative authority be transferred to the Department of the Interior?

Mr. KYL. I will say to the gentleman, to be absolutely accurate and frank, that these amendments which I offer at this time were prepared by the administration on a sheet which came to me from the administration. They are called administration amendments.

Mr. LENNON. Meaning the Department of the Interior?

Mr. KYL. No, sir; that is not my understanding at all.

Mr. LENNON. Well, it is my understanding, sir, because I have in my possession a letter signed by the General Counsel of the Department of Commerce, which I received today at 12 o'clock noon, in which they definitively and objectively spoke for the administration. They made one suggested "period, close of quote"

which I will in turn offer as an amendment.

If I may, I should like to return to what I have to say in regard to the gentleman's amendment, the proposal to change from the Secretary of Commerce to the Secretary of the Interior.

We should keep in mind, gentlemen, that NOAA, the National Oceanic and Atmospheric Agency, is in the Department of Commerce. We put it there by our votes in 1970. I believe there were about 12 votes, out of 400, against it.

This proposal to change from the Secretary of Commerce to the Secretary of the Interior the responsibility for the coordination of coastal zone management is not a new proposal. It has been raised over and over again, ever since the gentleman did what he did at the request of the administration. Each time it has been raised, it has been rejected. There is no more justification today than existed on the previous occasions.

Human nature is the same all over the world. "Let us take everything we put in NOAA out and hand it back to the Department of the Interior." That is human nature. Everybody wants to grow like Topsy.

The Secretary of the Interior was proposed as the lead agency for coastal zone management by some people in the Interior Department way back in 1969.

The Commission report—I am talking about the Stratton Commission report—after careful consideration, based upon the objective viewpoints of nongovernmental personnel, recommended a coastal zone management program to be administered by the independent agency of NOAA, the National Oceanic and Atmospheric Agency.

Now, the President, with your concurrence, decided that it would not make it a national agency but, rather, put it in the Department of Commerce. Nevertheless, it does exist in major part now by virtue of Reorganization Plan No. 4 of 1970. The next time the Department of the Interior's responsibility was suggested was in connection with the administration proposal in 1969 for a coastal management bill in the guise of an amendment to the Water Pollution Control Act.

Yes, the Department of the Interior suggested it then, and in that case the Department of the Interior lead position was based on the fact that it contained the Federal Water Quality Administration and therefore they ought to have this.

When the Subcommittee on Oceanography convened in 1969 they brought people here from 30-odd States to develop these problems and the then Under Secretary of the Interior stated that his Department was well qualified to administer such program by virtue of the fact that the Department of the Interior contained the Federal Water Quality Administration and the Bureau of Commercial Fisheries.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. LENNON was allowed to proceed for 2 additional minutes.)

Mr. LENNON. That was true at that point in time, but Reorganization Plan

No. 4, recommended by the President and concurred in by this Congress, removed the Bureau of Commercial Fisheries from the Department of the Interior and put it in NOAA.

Mr. KYL. Will my respected friend yield?

Mr. LENNON. Of course, if I have the time.

Mr. KYL. Of course, this NOAA is designed for scientific purposes. The gentleman a moment ago in an earlier speech referred to the fact that 66 million people live in this area that is going to be managed. That is hardly a matter for ocean scientists to determine, I would suggest to the gentleman. That is a land management proposition and not a matter of ocean science.

Mr. LENNON. Let me respond by saying this is a coastal zone management bill. It is an ocean-oriented and not land-oriented bill. That is the difference.

One other point has been brought out. A complete land use management program for this country this year or next year is necessary, and it is your suggestion that we put it in the Department of the Interior until such time as we take up the whole thing.

I urge the Committee to vote this amendment down.

Mr. MOSHER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do strongly oppose the amendment.

I would like to remind the House that just 2 years ago President Nixon by Executive order but then with the compliance of the House by almost unanimous action created the—National Oceanic and Atmospheric Administration—NOAA—and for the express purpose of focusing its attention on the marine environment. I assert that the coastal zones are a vital part of that environment.

By the way I beg to differ with the gentleman from Iowa when he just referred to NOAA as essentially a scientific agency. It is in part a scientific agency, but it goes well beyond that in management authority in many areas.

Mr. KYL. Would the gentleman yield?

Mr. MOSHER. Yes. I yield.

Mr. KYL. A moment ago he said that because this ocean area was different the management ought to be in the hands of of an oceanographic agency. We have a forestry department in the National Government and we have national land-use planning. Does the gentleman think we ought to have those national forests planned under the Forest Service and outside any national land-use planning?

Mr. MOSHER. I think that the gentleman should understand that in writing this legislation the committee fully recognized that ultimately the Congress will probably approve overall land management legislation, and we very consciously adopted this legislation to that ultimate effect.

I do not think that this legislation in any way conflicts with the probability that in the future there will be legislation for overall land-use management.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. MOSHER. I will yield to the gentleman from Iowa in just one moment,

but first let me complete with this statement.

I think it is a practical fact of life that in this 92d Congress there is strong probability against any overall Land Management Act. I think that the problems that the States and the local governments are struggling with in the coastal zone are so essential and so necessary now that until the time that the Congress gets to overall land management legislation, maybe sometime in the next year or two, that this legislation fills a very necessary gap.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. MOSHER. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Chairman, I would like to clarify the inference made by the gentleman. Is the gentleman suggesting that when we have a national land-use management plan that then this jurisdiction should be changed to the agency that has the overall authority?

Mr. MOSHER. Of course, that is up to the Congress to decide. Eventually we might have a Department of National Resources, as has been recommended by the President, and I would assume that NOAA would be definitely a part of that overall natural resources arrangement.

But I believe it is at this point very logical to place this in NOAA.

NOAA, through its National Marine Fisheries Service, is now responsible for the exploration, conservation, and development of marine resources so vitally dependent upon coastal waters. Its network of coastal laboratories represents a unique national capability in marine ecological knowledge.

NOAA, under the sea-grant program, promotes the scientific and technical capabilities on which the States must draw.

NOAA, through its National Ocean Survey, is the central agency responsible for mapping and charting the coastal waters for boundary determinations.

NOAA, through the National Weather Service, provides all essential forecasts and warnings of ocean and weather condition.

NOAA carries out most of the Government-supported research and development in coastal zone waters within their laboratories and sea-grant institutions.

In addition to that, NOAA, as associated in the Department of Commerce, is closely associated with the Maritime Administration, which already is in the Department of Commerce. And NOAA is allied with the Economic Development Administration, which is in the Department of Commerce already, and which is vital to the coastal zone concept.

In conclusion, Mr. Chairman, let me say that in no way would this bill change or diminish the present responsibilities, authority or role of the Department of the Interior.

Mr. Chairman and Members of the House, I believe that this amendment should be defeated.

(Mr. MOSHER asked and was given permission to revise and extend his remarks.)

Mr. RUPPE. Mr. Chairman, will the gentleman yield?

Mr. MOSHER. I yield to the gentleman from Michigan.

(Mr. RUPPE asked and was given permission to revise and extend his remarks.)

Mr. RUPPE. Mr. Chairman, today as we consider the coastal zone management bill, I believe that we should keep in mind another piece of potential legislation, the national land-use planning bill, which has been ordered reported by the Interior and Insular Affairs Committee. As a member of both the Interior Committee and the Merchant Marine Committee which reported the coastal zone management bill, I would like to point out the important relationship between these two bills.

The coastal zone management bill we are considering today is intended to be a first step toward a comprehensive, statewide program of land-use planning, designed to protect our coastal zones in particular. The Department of Commerce would be designated to provide for management and protection of the coastal zones and the adjacent shorelands and transitional areas.

The national land-use planning bill also provides for land use planning of these areas, but on a larger scale and with the responsibility assigned to the Department of the Interior.

I hope that in voting on this measure today my colleagues will take into consideration the need to coordinate the activities that will be the result of this bill and those of the land-use planning bill, if passed. If both of these measures are to be meaningful in their stated goals of protection, regulation, and preservation of our land resources, they must not be entangled in a maze of waste, duplication, and interagency dispute.

If we hope for a truly comprehensive land use policy in this country, we must not handicap it with unnecessary duplication or arbitrary division of effort which might hinder the States' adoption of land use plans.

It is my considered opinion that the administration proposal has merit and I urge my colleagues to support the amendment offered by Mr. KYL.

Mr. ASPINALL. Mr. Chairman, I move to strike the requisite number of words.

(Mr. ASPINALL asked and was given permission to revise and extend his remarks.)

Mr. ASPINALL. Mr. Chairman, I will not take very much time, but I do wish to ask my friend, the gentleman from North Carolina (Mr. LENNON) a couple of questions.

As I understand the way the bill is now drawn, the administration would be under the Secretary of the Department of Commerce because NOAA is part of the Department of Commerce; is that correct?

Mr. LENNON. Yes, NOAA is part of the Department of Commerce.

Mr. ASPINALL. Then I notice also in the report that the only reference that we have to the Department of Commerce, as far as the reports are concerned, was a question apparently that was sent to the Department of Commerce to provide an estimate of the costs involved in this legislation. The Department of Commerce has taken no other position on this legislation, but the report is still full of reports from the De-

partment of the Interior, a representative of which Department apparently appeared before the committee as it made its case, and that the Department of Interior must have some jurisdiction or other, and now asks for this amendment.

What is the reason that we do not have a report from the Department of Commerce as such?

Mr. LENNON. I consider that a report, which is signed—I believe you will find it, I think you said, on page 63 of the report?

Mr. ASPINALL. It is on page 53 of the report.

Mr. LENNON. On page 53 of the report where the Department of Commerce was asked to estimate the administrative costs on an annual basis, and they broke it down into scientists, engineers, planners, programmers, and so forth.

Mr. ASPINALL. My colleague is correct. But there is nothing in the report to show that the Department of Commerce has taken any position other than to answer the committee's question.

Mr. LENNON. Yes. They have never raised a question that they were going to have the administrative responsibility. If they did, they would have responded and given us the figures. I think that is an indication. It is just in recent weeks that the thought developed that this ought to be transferred from NOAA to the Department of the Interior. Hopefully, they believe that the total land use management bill would come out.

Mr. ASPINALL. Let me ask my colleague one simple question.

Why did you not have the Department of the Interior give you a report and appear before the committee unless it has jurisdiction?

Mr. LENNON. I think the distinguished gentleman knows that we always circularize all the potential and even slightly affected agencies and ask them for their comments. Is that not true with your committee?

Mr. ASPINALL. The gentleman is absolutely correct.

But the parent department having jurisdiction over this matter as the bill is now written has not stated in the report its position on the legislation.

Mr. LENNON. The Department of Commerce has not?

Witnesses testified, sir. We do not have here the volumes of testimony, but they testified—they did not write—they testified.

Mr. ASPINALL. My colleague knows that we can read the report but cannot read all the hearings.

Mr. LENNON. I realize that.

Mr. ASPINALL. This report is silent on this particular matter.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman.

Mr. KYL. In answer to the question propounded by the subcommittee chairman, a moment ago, in a couple of minutes I will have in his hands an official letter from the Council on Environmental Quality which reads:

In response to your request, I am pleased to advise that the administration and the Council on Environmental Quality strongly recommend that the coastal zone program

anticipated by H.R. 14146 be administered by the Department of the Interior.

Mr. ASPINALL. I thank the gentleman. The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KYL).

The question was taken; and on a division (demanded by Mr. LENNON) there were—ayes 46, noes 24.

TELLER VOTE WITH CLERKS

Mr. LENNON. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. LENNON. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. KYL, LENNON, MOSHER, and ASPINALL.

The Committee divided, and the tellers reported that there were—ayes 261, noes 112, not voting 59, as follows:

[Roll No. 293]

[Recorded Teller Vote]

AYES—261

| | | |
|----------------|----------------|-----------------|
| Abernethy | Devine | McClory |
| Abourezk | Dickinson | McCollister |
| Abzug | Drinan | McCormack |
| Adams | DuSKI | McDade |
| Addabbo | Duncan | McEwen |
| Alexander | Dwyer | McKay |
| Anderson, Ill. | Eckhardt | McKevitt |
| Andrews | Edmondson | McKinney |
| N. Dak. | Edwards, Ala. | Macdonald, |
| Archer | Erlenborn | Mass. |
| Arends | Esch | Madden |
| Ashbrook | Eshleman | Mahon |
| Ashley | Evans, Colo. | Mallary |
| Aspin | Fascell | Martin |
| Aspinall | Findley | Mathias, Calif. |
| Badillo | Fish | Matsunaga |
| Baker | Fisher | Mayne |
| Baring | Foley | Meeds |
| Begich | Ford | Meicher |
| Belcher | William D. | Mikva |
| Bell | Fraser | Miller, Ohio |
| Bergland | Frelinghuysen | Millis, Md. |
| Biaggi | Frenzel | Montgomery |
| Biester | Frey | Moss |
| Bingham | Fuqua | Myers |
| Blackburn | Goldwater | Natcher |
| Boggs | Gonzalez | Nelsen |
| Boland | Grasso | Obey |
| Bolling | Gross | O'Hara |
| Bow | Gubser | O'Konski |
| Brademas | Gude | Passman |
| Bray | Halley | Patman |
| Brinkley | Hall | Patten |
| Broizman | Hammer- | Perkins |
| Brown, Mich. | schmidt | Pettit |
| Brown, Ohio | Hansen, Idaho | Peyser |
| Broyhill, N.C. | Hansen, Wash. | Pirnie |
| Buchanan | Harrington | Poage |
| Burke, Fla. | Harsha | Powell |
| Burleson, Tex. | Harvey | Price, Tex. |
| Burlison, Mo. | Hastings | Pryor, Ark. |
| Burton | Hawkins | Pucinski |
| Cabell | Heckler, Mass. | Purcell |
| Camp | Heinz | Quie |
| Carey, N.Y. | Hicks, Mass. | Quillen |
| Carlson | Hicks, Wash. | Railsback |
| Carter | Hillis | Randall |
| Cederberg | Horton | Reuss |
| Chamberlain | Hosmer | Riegle |
| Chisholm | Howard | Robinson, Va. |
| Clancy | Hull | Robison, N.Y. |
| Clausen | Hunt | Rodino |
| Don H. | Ichord | Roe |
| Clawson, Del. | Jacobs | Roncalio |
| Cleveland | Johnson, Pa. | Rosenthal |
| Collier | Jonas | Roush |
| Collins, Tex. | Jones, Ala. | Rousselot |
| Colmer | Karth | Roybal |
| Conable | Kastenmeier | Runnels |
| Conover | Kazen | Ruppe |
| Conte | Keating | Sandman |
| Conyers | Kemp | Saylor |
| Coughlin | King | Scherie |
| Crane | Kluczynski | Scheuer |
| Culver | Koch | Schmitz |
| Curlin | Kyl | Schneebell |
| Danielson | Landrum | Schwengel |
| Deaney | Latta | Sebelius |
| Deilenback | Link | Seiberling |
| Dellums | Lloyd | Shoup |
| Denholm | Long, Md. | Shriver |
| Dennis | Lujan | Sikes |

| | | |
|----------------|-------------|-------------|
| Skubitz | Udall | Wilson, Bob |
| Slack | Ullman | Wilson, |
| Smith, Calif. | Van Deerlin | Charles H. |
| Smith, Iowa | Vander Jagt | Winn |
| Spence | Vanik | Wolf |
| Staggers | Versey | Wright |
| Steiger, Ariz. | Vigorito | Wyatt |
| Steiger, Wis. | Waggonner | Wyder |
| Stratton | Waldie | Wylie |
| Stubbfield | Wampler | Wyman |
| Symington | Ware | Tates |
| Talcott | Whalley | Tatron |
| Taylor | White | Young, Fla. |
| Terry | Whitehurst | Young, Tex. |
| Thompson, Ga. | Whitten | Zablocki |
| Thomson, Wis. | Widnell | Zion |
| Thone | Williams | Zwach |

NOES—112

| | | |
|-----------------|-----------------|----------------|
| Abbott | Gialmo | Morgan |
| Anderson, | Gibbons | Mosher |
| Calif. | Goodling | Murphy, Ill. |
| Andrews, Ala. | Gray | Nichols |
| Annunzio | Green, Oreg. | Nix |
| Barrett | Green, Pa. | O'Neill |
| Bennett | Griffin | Pelly |
| Betts | Griffiths | Pepper |
| Bevil | Grover | Pickle |
| Blatnik | Halpern | Pike |
| Burke, Mass. | Hamilton | Podell |
| Byrne, Pa. | Hanley | Poff |
| Byron | Hanna | Preyer, N.C. |
| Carney | Hathaway | Price, Ill. |
| Casey, Tex. | Hays | Rangel |
| Celler | Hechler, W. Va. | Rogers |
| Chappell | Helstoski | Rooney, Pa. |
| Clark | Henderson | Rostenkowski |
| Collins, Ill. | Hogan | Roy |
| Corman | Hungate | Ruth |
| Cotter | Johnson, Calif. | St Germain |
| Daniel, Va. | Jones, N.C. | Sarbanes |
| de la Garza | Keith | Satterfield |
| Dent | Kyros | Scott |
| Dingell | Lennon | Shipley |
| Donohue | Lent | Smith, N.Y. |
| Dorn | McCloskey | Snyder |
| Dow | McFall | Stanton |
| Downing | Mailliard | J. William |
| du Pont | Mann | Stanton |
| Edwards, Calif. | Mathis, Ga. | James V. |
| Elberg | Mazzoli | Steed |
| Evins, Tenn. | Metcalfe | Steele |
| Flood | Minish | Sullivan |
| Flowers | Mitchell | Teague, Calif. |
| Forsythe | Mizell | Tierman |
| Fountain | Molohan | Whalen |
| Garmatz | Monagan | |
| Gaydos | Moorhead | |

NOT VOTING—59

| | | |
|-----------------|----------------|----------------|
| Anderson, | Gallagher | Mink |
| Tenn. | Gettys | Minshall |
| Blanton | Hagan | Murphy, N.Y. |
| Brasco | Hébert | Nedzi |
| Brooks | Holifield | Rarick |
| Broomfield | Hutchinson | Rees |
| Broyles, Va. | Jarman | Reid |
| Byrnes, Wis. | Jones, Tenn. | Rhodes |
| Caffery | Kee | Roberts |
| Clay | Kuykendall | Rooney, N.Y. |
| Daniels, N.J. | Landgrebe | Ryan |
| Davis, Ga. | Leggett | Sisk |
| Davis, S.C. | Long, La. | Springer |
| Davis, Wis. | McClure | Stephens |
| Derwinski | McCulloch | Stokes |
| Diggs | McDonald, | Stuckey |
| Dowdy | Mich. | Teague, Tex. |
| Flynt | McMillan | Thompson, N.J. |
| Ford, Gerald R. | Michel | Wiggins |
| Fulton | Miller, Calif. | |
| Gallagher | Mills, Ark. | |

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. KYL

Mr. KYL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KYL: On page 42, line 25 through page 45, line 6—delete the second sentence of subsection 304(b), and revise subsections (c) and (d) to read as follows:

"(c) Federal projects and activities significantly affecting land use within the coastal zone and estuaries shall be consistent with coastal zone management programs funded under section 306 of this Act except in cases of overriding national interest. Program coverage and procedures provided for in regulations issued pursuant to section 204 of the Demonstration Cities and Metropol-

itan Development Act of 1966 and title IV of the Intergovernmental Cooperation Act of 1968 shall be applied in determining whether Federal projects and activities are consistent with coastal zone management programs funded under section 306 of this Act.

"(d) After December 31, 1974, or the date the Secretary approves a grant under section 306, whichever is earlier, Federal agencies submitting statements required by section 102(2)(C) of the National Environmental Policy Act shall include a detailed statement by the responsible official on the relationship of proposed actions to any applicable State land use program which has been found eligible for a grant pursuant to section 306 of this Act."

Mr. DINGELL. Mr. Chairman. I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Iowa is recognized for 5 minutes in support of his amendment.

Mr. KYL. Mr. Chairman, the proposed language in this amendment is language which was worked out very carefully over a long period of time in the national land use policy proposal. The language is intended here to assure that the same requirements of consistency are applicable to the coastal zone as elsewhere within a State which has adopted a comprehensive land use plan. I point out a number of States already have developed comprehensive plans. It is my feeling that the language of this bill ought to be consistent with the language and the purpose which the State has and which the Federal Government has in calling for comprehensive plans.

This language would accomplish exactly the same results as section 307 in that the Federal activities within the coastal zone are consistent with a State's management program, but it does not establish, as does the bill under consideration this afternoon a cumbersome certification procedure in addition to all of the other procedures which are established by law.

Mr. LENNON. Will the gentleman yield?

Mr. KYL. Certainly I yield.

Mr. LENNON. I ask the gentleman to a little more definitively identify his amendment. It says—I have difficulty in finding it, but it says page 42, line 25, through page 45, line 6. It would strike out the beginning of line 25 on page 42 and continue through line 6 on page 45.

Mr. KYL. It would eliminate, I would say to the gentleman from North Carolina, that section dealing with the certification program in the gentleman's bill.

Mr. LENNON. Mr. Chairman, I think the gentleman from Iowa has the wrong section referred to in his amendment, because that section is not the one.

If the gentleman refers to section 304 (b), it is not within either one of those several pages in which the section is referred to, certainly not in that range. We have reserved a point of order, Mr. Chairman, on the amendment.

Mr. KYL. Mr. Chairman, I would like to point out to the gentleman from North Carolina what we are amending is the language that says that:

Each Federal agency conducting or supporting activities in the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent

practicable, consistent with approved state management programs.

Mr. LENNON. Mr. Chairman, would the gentleman from Iowa object to having the Clerk identify the amendment, and relate it to the page?

Mr. Chairman, I ask unanimous consent that the amendment be reread. The amendment which the gentleman from Iowa is offering refers to section 304(b), and is not found in any of the pages that the gentleman has identified that he would strike in the bill. I do not know about in the committee report, but in the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina that the Clerk reread the amendment?

There was no objection.

The Clerk reread the amendment.

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, I think in order to facilitate the business of the House, it would be appropriate for me to insist on my point of order, and if the Chair will recognize me at this time, I will give the reasons for the point of order being made.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I believe a reading of the point of order makes it plain that the amendment offered referred to legislation and to statutes not presently before the House and not under the jurisdiction of the committee having the legislation before the House, and, also, not referred to elsewhere in the statute.

As a matter of fact, the jurisdiction over the legislation referred to in the amendment is found in other committees such as the Committee on Banking and Currency.

Mr. Chairman, I would point out further that the amendment refers to the Demonstration Cities and Metropolitan Development Act which refers to matters entirely different than the coastal zone, and, also, the Intergovernmental Cooperation Act, which again is an act which treats of other matters.

In subparagraph (d) of the amendment which is the paragraph following that which I have just been discussing, it refers to the National Environmental Policy Act, section 1022(c), which again is not before the House at this time and which treats matters entirely different than those which are before us with regard to the management of coastal zones. Even though the provisions of section 1022(c) referred to in the amendment would be applied to major actions which would have a significant impact on human environment.

Therefore, I make the point of order at this time that the amendment is not germane to the legislation before us, and it goes beyond and is different in scope and purpose from the legislation before us, and, therefore, should be ruled against by the chair.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Chairman, it is the opinion of the gentleman from Iowa that the Chairman is capable of rendering his

decision without this gentleman's assistance.

The CHAIRMAN. The Chair is prepared to rule.

The Chair has read the committee amendment which this amendment proposes to amend.

On page 41, at lines 16 and 17, the committee amendment amends the Demonstration Cities and Metropolitan Development Act of 1966, and on page 43, line 5, paragraph (C)(1) it speaks of each Federal agency conducting or supporting activities in the Coastal Zone.

And on page 43, line 10, paragraph (2), it speaks also of any Federal agency which shall undertake any development project in the coastal zone.

Therefore, the Chair finds that the committee amendment is very broad and already covers matter proposed in the amendment of the gentleman from Iowa (Mr. KYL). The Chair overrules the point of order and holds that the amendment is germane.

Mr. DINGELL. Mr. Chairman, I would like to be heard further to bring to the attention of the Chair matters which the Chair has not treated as to this particular point, and I would remind the chairman I have pointed to two acts referred to by the Chair in his ruling.

The CHAIRMAN. The Chair has already made his decision on the point of order and has ruled that the amendment is germane.

Mr. DINGELL. I think the Chair has not observed that I made a point of order dealing with the second paragraph.

The CHAIRMAN. Does the gentleman from Michigan wish to strike out the last word and speak on the amendment?

Mr. DINGELL. No, I simply want a ruling on the point of order that treats all parts of the point of order.

The CHAIRMAN. The Chair has ruled on the point of order and has ruled the amendment is germane.

If the gentleman from Michigan desires to strike out the last word and speak in opposition to the amendment, the Chair will recognize the gentleman. Otherwise the Chair will not recognize the gentleman further.

Mr. LENNON. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, I think those who have read the language of the National Land Use Policy Act that has been pending in the Committee on Interior and Insular Affairs recognize that there is little likelihood, and I think our distinguished chairman of that committee, the gentleman from Colorado (Mr. ASPINALL) will tell you frankly that there is little likelihood that that bill will come out during this calendar year.

But what we have done here—this amendment takes the language that is used in the bill that is pending in the committee and that has not been reported out of a committee and brings it here and offers it as a substitute for language that was considered in a committee for 28 legislative days' hearings.

With a consensus of 100 percent of the subcommittee and the full committee, I just frankly do not believe that we ought to anticipate what may happen sometime in the future. I can say frankly that it is

an administration amendment, if you please, and this committee was given today at 12:10 information that suggested that they adjust the cost on an annual basis from what was originally in our bill to meet the possibility that sometime in the future we may have actual land use legislation. We were prepared to do this, and this was the administration's position; not the position of the Department of the Interior or the Department of Commerce. It is approved by the Office of Management and Budget, but unfortunately a majority of the Members reacted, I am told now, and I am going to repeat it, that there was a lobbying campaign and some of the Members from some of the coastal States—I shall not call their names—told me that the American Petroleum Institute started to work today just before noon, so here we are and so the world goes around.

But I do suggest there is no purpose in adopting this particular amendment.

Mr. GARMATZ. Mr. Chairman, I would like to ask the gentleman from Iowa, is this so-called administration amendment from the administration, the Nixon administration?

Mr. KYL. It is.

Mr. GARMATZ. It is?

Mr. KYL. Yes.

Mr. GARMATZ. Signed by whom? Who suggested this amendment?

Mr. KYL. I have, as I noted a moment ago, a letter from the Council on Environmental Quality.

Mr. GARMATZ. That was the other amendment from Rogers Morton, Secretary of the Interior. Whose amendment is this?

Mr. KYL. This amendment has the concurrence of the Council on Environmental Quality.

Mr. GARMATZ. Is that the administration? Is that the Nixon administration you are speaking about or just one branch of the administration?

Mr. KYL. I think the gentleman understands the Council on Environmental Quality.

Mr. GARMATZ. I understand the difference between one part of the administration and the administration itself; yes. Are you speaking about the Republican administration as a whole or just one department of the administration? Are you speaking about Rogers Morton, Secretary of the Interior? Is that the administration?

Mr. KYL. A few moments ago—

Mr. GARMATZ. If the gentleman does not wish to answer the question, I will yield back the balance of my time.

Mr. KYL. I would be happy to answer the question.

Mr. LENNON. Mr. Chairman, I urge the rejection of the amendment.

Mr. ASPINALL. Mr. Chairman, I move to strike the necessary number of words.

(Mr. ASPINALL was given permission to revise and extend his remarks.)

Mr. ASPINALL. I want the gentleman from Iowa to have the opportunity of answering the question of the gentleman from Maryland (Mr. GARMATZ).

Mr. KYL. I thank the gentleman for his courtesy. A few moments ago I read into the record a letter and promised the gentleman that I would have a formal

copy of the letter, a letter from the Council on Environmental Quality on behalf of the Council and the administration in support of these amendments. They sent these to me not before noon today but on yesterday.

They also reflect the attitudes of the Department of the Interior. This is from the Council on Environmental Quality on behalf of the administration, period. Will the gentleman yield further?

Mr. ASPINALL. I shall be glad to yield further to the gentleman from Iowa.

Mr. KYL. I would ask my much respected and beloved friend who is the chairman of the subcommittee if he would not want to reflect a moment more on his statement that whatever is being done here this afternoon is being done because someone from the National Petroleum Institute got to Members today about noon. I wish to state for the record that no one who is associated with the National Petroleum Institute or any other commercial group in the country has contacted me regarding this piece of legislation, today, or any day in the past.

Mr. ASPINALL. The chairman of the Committee on Interior and Insular Affairs, wishes to say that he has not been contacted in this respect on any such matter. He will also state that no one, except a few members on the Interior and Insular Affairs Committee, has seen the language of the amended bill and its report. The report on H.R. 7211 is not out as yet. I have not seen the amendment which is now being offered.

I have listened to the argument. I think it comes nearly in line with the language to take care of the matter which the Committee on Merchant Marine and Fisheries desires to take care of in this bill.

I will say that I have never found my friend from Iowa in any position where he would mislead anybody whether he was for or against a matter, and the language is undoubtedly language he received from those in charge of the administrative departments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KYL).

The question was taken; and on a division (demanded by Mr. KYL) there were—ayes 43, noes 72.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. CLARK—

Mr. CLARK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CLARK: On page 50, lines 10 and 11, after the word "Secretary" delete the following words: "shall, to the maximum extent practicable," and insert in lieu thereof the word "may".

Mr. CLARK. Mr. Chairman, the purpose of this amendment is to make it permissive rather than mandatory for Federal sanctuaries to be established adjacent to areas set aside by State designations. Without this revision, vast resources of the Outer Continental Shelf could be locked automatically without having had congressional or administrative review.

The amendment would also make this subsection consistent with the provisions

of title III of H.R. 9727, already passed by the House, which gives the Secretary permissive—not mandatory—authority. "Shall" means mandatory and "may" means permissive.

Mr. ANDERSON of California. Mr. Chairman, I rise in opposition to this amendment which would weaken the provision in the bill designed to protect State-established coastal sanctuaries from federally authorized development.

Coastal States, such as California, have established marine sanctuaries in areas under their jurisdiction. The purpose of these State laws is to protect the scenic beauty, and the beaches, from commercial exploitation which could ruin the environment.

However, the Federal Government—which has jurisdiction outside the 3-mile limit—has all too often allowed development, to the detriment of State programs.

A perfect example is the case in Santa Barbara, Calif., where the California Legislature in 1955, created a marine sanctuary, and thus, closed the area to petroleum drilling.

Some 10 years later, the Federal Government issued leases for petroleum exploration immediately seaward of the State sanctuary.

Then in 1969, a blowout on one of the Federal leases in the Santa Barbara channel resulted in widespread oil pollution of the State sanctuary—dramatically illustrating that oil spills do not respect legal jurisdictional lines.

In short, the bill, as reported by the committee, encourages the Secretary to apply Federal programs in a manner consistent with State programs.

If the State wants economic development, then the Secretary would be encouraged to consider this factor.

If the State wants to preserve certain recreational or scenic areas, then the Secretary would be encouraged—not required—to consider the States wishes.

Mr. Chairman, the Merchant Marine and Fisheries Committee recognizes that our coastal areas are national resources and, thus, the Federal Government must share the responsibility for protecting them. We must recognize that State legislation—standing alone—is, in this case—no more than half a remedy.

I, thus, urge my colleagues to stand with the committee, and defeat this amendment.

Mr. LENNON. Mr. Chairman, I move to strike the last word.

For the benefit of the Members of the Committee of the Whole, I believe we should indicate that the language as reported from the Oceanography Subcommittee to the full Committee on Merchant Marine and Fisheries read as follows:

The Secretary shall apply the program developed pursuant to this section—

and so forth. When the language went to the full committee, it was the consensus of the full committee that the word "shall" should be modified in this manner:

The Secretary shall, to the maximum extent practicable, apply the program—

I believe the members of the Commit-

tee of the Whole are entitled to that explanation. The language was modified.

In my mind, there is some question as to whether or not the "Secretary may apply" is as strong as or a little less strong than the "Secretary shall apply, to the maximum extent practicable."

I indicated to my friend here I would have no basic objection to the acceptance of his amendment as a Member, but at that time I had not been advised that the gentleman from California and one or two other Members opposed the amendment. So my position will be to stay with the original position of the full committee.

Mr. TEAGUE of California. Mr. Chairman, I move to strike the requisite number of words.

I compliment the gentleman from California (Mr. ANDERSON) on the statement he made. I associate myself with that statement.

Inasmuch as Santa Barbara is in my district, I can say we have a continuing pollution problem in that district.

I am delighted to hear the chairman of the subcommittee, the gentleman from North Carolina, state that he, too, will stick with the committee in opposing the amendment, as I do.

I urge that the amendment be rejected. The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. CLARK).

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. CLARK. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. KYL

Mr. KYL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KYL: On page 48, line 7, through page 49, line 8, delete section 312 and renumber subsequent subsections accordingly.

Mr. KYL. Mr. Chairman, this bill before us is primarily a land and water management bill. An authorization for the establishment of estuarine sanctuaries as natural field laboratories purchased in part with Federal funds is not appropriate to the objectives of this legislation, that is, the adoption by coastal States of a viable land use policy.

At the present time, under existing statute, the Secretary of the Interior is empowered by the so-called Estuary Protection Act, 16 U.S.C. 1221 and following, to participate in cost sharing and in the management, administration, and development of estuarine areas and is directed to encourage the acquisition of these estuarine areas with Federal funds made available to States under categorical grant programs administered by the Department.

In other words, we already have essentially the kind of thing which is proposed in this bill.

In addition to that, the Secretary of the Interior has, pursuant to existing authority now on the books, already acquired estuarine areas for administration as units of the national park and national wildlife refuge systems.

In addition to the Interior programs, we have also NOAA provisions and National Science Foundation programs.

Under existing authority the Department of the Interior has done extensive work in this matter in such legislation as that establishing the Cape Cod seashore, Cape Hatteras, the Gulf Islands, Point Reyes, and those points off the Virgin Islands area.

This is appropriate language for the bill that is before us and duplicates programs that already exist. Therefore I urge the adoption of this amendment.

Mr. LENNON. Mr. Chairman, I rise in opposition to the amendment.

This is not a duplication of existing law. There was a consensus of the witnesses who testified over a number of days of hearings and over a long period of time for the estuarine program. I shall not delay the matter longer but simply say that those who were involved for weeks, months, and years in the recommendations of the Stratton Commission report, which you gentlemen brought into being, made this one of their prime recommendations. We found no conflict at all on the matter, and I think we ought to simply turn down the requested amendment offered so graciously by the gentleman from Iowa.

Mr. DINGELL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the bill before you has been reported unanimously by the Committee on Merchant Marine and Fisheries and has been carefully studied for a long time. It has the support of all the members of the committee.

I recognize the concern of my friend from Iowa. I think he is proper in having an interest in the matter before us. I think he is equally right in expressing the views I am sure he properly feels.

The fact of the matter is, Mr. Chairman, that not only did the gentleman from North Carolina (Mr. LENNON) and his subcommittee but also the subcommittee I have the honor of chairing go into the matter of the need for the preservation of areas of this kind through Federal-State cooperative effort. In each instance we came to the conclusion that this kind of preservation is urgently needed. It would be fair to say to the Members of the House, I think, that this is a good proposal. It is not duplicated elsewhere.

The matter has been carefully studied over a number of years both by Mr. LENNON's Subcommittee on Oceanography and my Subcommittee on Fisheries and Wildlife Conservation. In each instance we came to the conclusion that the proposal for areas of this kind is urgently needed.

If we are to have a Federal-State cooperative program—and this proposal does authorize it—then it is inherent and necessary that there should be some Federal funds put into it.

The level of funding is modest. The goal to be achieved is great. The need is equally great, and the benefits to be derived are immense.

For that reason I hope the amendment offered by my good friend from Iowa will be rejected.

Mr. MOSHER. Mr. Chairman, I move

to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from Iowa (Mr. KYL).

I think the gentleman from Iowa is mistaken when he suggests that the Department of the Interior already has this authority to do entirely what this section would provide for, and which he is trying to delete from the bill.

I would like to call the attention of the House to a statement made by the National Wildlife Federation before our committee in their strong support for this provision which the gentleman from Iowa (Mr. KYL) would seek to delete.

The National Wildlife Federation says that this provision "for the establishment of estuarine sanctuaries for the purposes of creating natural field laboratories to be used in further ecological studies is viewed by the National Wildlife Federation as a wise move and one that should help insure a continued high quality coastal and estuarine environment for future generations."

I would believe that the marine science world would not agree with our friend, the gentleman from Iowa, that this authority, under the Estuary Protection Act, in the Department of the Interior, is adequate. And now that we already have transferred the authority of this legislation to the Department of the Interior I would think that the Department of the Interior would welcome this new, additional authority.

Mr. KYL. Mr. Chairman, would the gentleman yield?

Mr. MOSHER. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Chairman, I would ask if the gentleman from Ohio is familiar with 16 U.S.C. 1221, which is the empowering of the Department of the Interior to purchase, administer and develop estuarine areas, the act known as the Estuary Protection Act?

Mr. MOSHER. Mr. Chairman, it is my impression that the act just quoted by the gentleman from Iowa does not contain any specific authorization at all for the acquisition of estuarine sanctuaries.

Mr. DINGELL. Mr. Chairman, will the gentleman from Ohio yield?

Mr. MOSHER. I yield to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I might say that it was my subcommittee that reported that bill to the House, and the purposes and the functions of the legislation now before us is different from the legislation referred to by the gentleman from Iowa, and additionally the legislation sets up field laboratories. In addition to that, the Department of the Interior, although it has had some authority in this area, has never chosen to act, and it is for this reason the Committee in its wisdom, and frustration with the failure of the Department of the Interior, in choosing to direct it through this legislation to take some action.

Mr. MOSHER. I thank the gentleman from Michigan for his statement, and I believe that it reinforces my point that the Department of the Interior has never in the past chosen to accomplish the purposes of this legislation, it needs this new direction and incentive.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KYL).

The amendment was rejected.

Mr. GROSS. Mr. Chairman, I move to strike the next to the last word.

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, very little has been said this afternoon about the financing provisions of this bill. As I understand, the bill authorizes the expenditure of \$172 million.

I note that present on the floor is the distinguished gentleman from Texas (Mr. MAHON) who has seen fit, on occasion, to warn the House of authorizations that call for the expenditure of substantial amounts of public money. This is another one, if I am correct, in that it authorizes the expenditure of \$172 million.

I would like to ask the distinguished chairman of the subcommittee, the gentleman from North Carolina (Mr. LENNON), if the provision is still in the bill which would provide Federal guarantees of obligations issued by coastal States for land acquisition, water development, and so forth?

Mr. LENNON. No such provision is in the bill.

I would appreciate the gentleman reading specifically what he is referring to.

Mr. GROSS. Is the provision still in the bill to authorize Federal guarantees of obligations issued by coastal States for land acquisition, water development, and so on and so forth? Is that provision still in the bill?

Mr. LENNON. That is not in the bill.

Mr. GROSS. That has been removed?

Mr. LENNON. That has been removed.

Mr. GROSS. Therefore, the bill would not result in Federal guarantees of tax-exempt obligations?

Mr. LENNON. I think the answer I gave to your first question should assure you on the second question. The answer is again "No."

Mr. GROSS. The answer is "No?"

Mr. LENNON. That is right.

Mr. GROSS. I might ask the gentleman where it is proposed to get the \$172 million for the financing of this latest antipollution bill?

Mr. LENNON. I can ask the gentleman where the Nation expects to get the money to finance the national land-use management program that the gentleman so exuberantly supported the philosophy of.

Mr. GROSS. I am not acquainted with the national land-use bill and therefore I do not know whether I would support it.

This bill also provides for the creation of another advisory committee. They are coming at about the rate of one a day although we have already some 3,000 advisory boards, commissions, councils, and committees.

Must this bill be accompanied with still another advisory committee?

Mr. LENNON. This bill relates to an advisory committee.

And also the provisions that you had yesterday advising the committee every

time you create any spectrum of a medical faculty practice society agreeing to a special advisory committee.

But in this instance I do not agree with you that we should not bring into being the top expertise in this area to advise the Secretary of the Interior—not that the Under Secretary of the Interior under a no vote—rather than the Secretary of Commerce.

I cannot agree with that at all.

Mr. GROSS. I have read the report rather carefully, but nowhere do I find a letter or statement of any kind from the Office of Management and Budget concerning this proposed expenditure. Therefore it appears to be completely unbudgeted.

Is there a statement in the report?

Mr. LENNON. There is not.

I would expect today to offer an amendment related to authorization in the bill which has been approved by the Office of Management and the Bureau of the Budget.

Then I want to say to my friend the only thing that this administration has approved—not the transfer of this—as this House voted to do on the recommendation of some of its Members—the administration has appealed to our committee based upon the fiscal affairs of this Nation, both for fiscal 1973 and the potential for 1974 to cut back the figures that we had.

I shall offer an amendment for that purpose. That is all that the administration stated to me in writing that they were interested in—and not a transfer as you voted, to turn it back to the Department of the Interior despite what you heard on the floor.

AMENDMENT OFFERED BY MR. KYL

Mr. KYL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KYL: page 53, lines 14-24, delete subparagraphs (a) (1), (2), and (3), and substitute therefor:

"(1) the sum of \$6,000,000 in each of fiscal years 1973 and 1974, and the sum of \$4,000,000 in fiscal year 1975 for grants under section 305, to remain available until expended; and

"(2) the sum of \$18,000,000 in each of fiscal years 1974 and 1975 for grants under section 306, to remain available until expended."

Mr. KYL. Mr. Chairman, these sums represent approximately 60 percent of the amounts recommended for the development and implementation of statewide land-use plans under the National Land Use Policy Act of 1972, reflecting the ratio of coastal States to all States. They are sound figures, based on careful study of anticipated needs and the States' ability to make effective use of such assistance.

They reflect the ratio to start for those Coastal States. They are sound figures, I believe, based on these studies of anticipated needs and the States' ability to make effective use of that assistance.

SUBSTITUTE AMENDMENT OFFERED BY MR. LENNON FOR THE AMENDMENT OFFERED BY MR. KYL

Mr. LENNON. Mr. Chairman, I offer a substitute amendment for the amend-

ment offered by the gentleman from Iowa (Mr. KYL).

The Clerk read as follows:

Substitute amendment offered by Mr. LENNON for the amendment offered by Mr. KYL:

On page 53, line 14, through line 5, revise paragraphs (1), (2), (3) of section 317a, to read as follows:

"(1) the sum of \$6,000,000 for fiscal year 1973 and fiscal year 1974 and \$4,000,000 for fiscal year 1975 for grants under section 305 to remain available until expended;

"(2) the sum of \$18,000,000 for fiscal year 1974 and for fiscal year 1975 for grants under section 306 to remain available until expended; and

"(3) the sum of \$6,000,000 for fiscal year 1973 for grants under to section 312 remain available until expended."

Mr. LENNON. Mr. Chairman, with reference to the language used by the Clerk in reading the substitute, and I quote: "On page 53, line 14, through line 5."

I ask unanimous consent that the "5" be changed to "24".

The CHAIRMAN. The Clerk will report the amendment as requested in the unanimous-consent request.

The Clerk read as follows:

On page 53, line 14, through line 24, revise paragraphs (1), (2), and (3) of Section 317(a) to read as follows:

"(1) the sum of \$6,000,000 for fiscal year 1973 and fiscal year 1974 and \$4,000,000 for fiscal year 1975 for grants under section 305 to remain available until expended;

"(2) the sum of \$18,000,000 for fiscal year 1974 and for fiscal year 1975 for grants under section 306 to remain available until expended; and

"(3) the sum of \$6,000,000 for fiscal year 1973 for grants under section 312 to remain available until expended."

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. GROSS. Mr. Chairman, reserving the right to object, what are the changes in the dollar amounts?

Mr. LENNON. Mr. Chairman, if the gentleman will yield, I intended, if the gentleman will permit me, to address myself to it.

Mr. GROSS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Without objection, the amendment is modified as requested.

There was no objection.

Mr. LENNON. I yield to the gentleman from Iowa for a question.

Mr. KYL. As I understand it, the substitute simply restores the money for the grant program which would have been eliminated by my amendment, is that correct?

Mr. LENNON. That is in substance what it does, but I would like to state that I have had quite a bit to say today about the administration position on this bill, and this is the only position that the administration has taken. I am not talking about agencies or departments or bureaus, but the administration, and this is after consultation through the Office of Management and Budget. I appreciate the fiscal situation we find ourselves in now after we have already entered into fiscal year 1973, and what happened in fiscal 1972 and the potential deficit for fiscal year 1973. We discussed this matter, and I read:

The Administration proposes that the appropriation authorization be limited to \$6 million in fiscal year 1973; \$24 million in fiscal year 1974; \$22 million in fiscal year 1975. These figures are based on pending grants of \$6 million for fiscal year 1973 and fiscal year 1974, and \$4 million for fiscal year 1975 and \$18 million for fiscal year 1974 and fiscal year 1975 for administrative grants.

This constitutes the total authorization for the 3 years, and so I am told, technically they are ball park figures of \$67 million; considerably less than one-half of what the authorization was.

Mr. KYL. Will the gentleman yield?

Mr. LENNON. I will yield to the gentleman from Iowa.

Mr. KYL. My purpose for asking the previous question and taking the time now is to tell the gentleman that I support his substitute amendment.

Mr. LENNON. Let me tell you why the Administration offered this. I want to explain something else. I read on:

These figures represent a percentage of the proposed Administration amendment to the pending National Land Use Bill, which would limit the appropriations.

The Administration believes this percentage is justified since the land use bill to be applied to all States in the land use zone would be as applied roughly . . . and so forth.

Now, these figures are relating I will say to my other good friend, the gentleman from Iowa, to the potential we may have possibly for the next year on the national land use bill.

Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from North Carolina (Mr. LENNON) for the amendment offered by the gentleman from Iowa (Mr. KYL).

The substitute amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KYL), as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY Mr. LENNON

Mr. LENNON. Mr. Chairman, I offer an amendment which is a technical amendment.

The Clerk read as follows:

Amendment offered by Mr. LENNON:

On page 34, line 23, delete "(2)" and insert in lieu thereof "(1)".

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. LENNON).

The amendment was agreed to.

AMENDMENT OFFERED BY Mr. GONZALEZ

Mr. GONZALEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GONZALEZ: Page 52, after line 8, insert new section 315(a):

"Nothing contained in this act shall be construed as prohibiting any citizen free and unlimited access to the public beaches and beach lines in all coastal areas."

Mr. GONZALEZ. Mr. Chairman, this amendment is very plain and to the point. It just makes sure that nothing in the act could be construed to prohibit or prevent or limit a citizen's access to the public beaches. We are living in a day and time in which our coastal areas and

beaches are limited. They are very definitely constricted. I think it is a very paramount issue affecting the well being of the overwhelming and preponderant majority of the citizens of our country. I think one freedom we ought to maintain unencumbered is the freedom of the enjoyment of our public beaches. All this amendment says is that nothing in this act shall be construed as impeding that fundamental freedom.

Mr. Chairman, I ask for approval of this amendment.

Mr. LENNON. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from North Carolina.

Mr. LENNON. Mr. Chairman, will the gentleman define for us the legal definition of "public beaches" for the benefit of those of us who are trying to relate this to this bill?

Mr. GONZALEZ. My interpretation of the phrase "public beaches" would be those areas along our beach line or coastal areas which are accessible and have been traditionally and legally accessible to the public.

Mr. LENNON. In other words, where they have conveyed to the municipalities, say, from the residential line to the low waterline for public use, such as we have in so many places.

Again, please, will my friend define "beach line," what he has in mind about beach lines and coastal areas?

Mr. GONZALEZ. That is in my opinion just a refinement or further definition of public beaches and public beach lines to make sure we are talking about the coastal areas and access to those beach lines existing along the coastal areas.

Mr. LENNON. It has been suggested to me that this is perhaps not the appropriate type of legislation for this bill. I have no personal objection to it, myself, since the gentleman defines, as he has, public beaches and beach lines.

I thank the gentleman for yielding.

Mr. MOSHER. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Ohio.

Mr. MOSHER. Undoubtedly the gentleman in the well has good intentions, but it seems to me his amendment as now worded would open up all sorts of horrendous possibilities which might completely work against the purposes of the act, our purpose to responsibly protect the coastal zone areas.

When it is said, "free and unlimited," though I am no attorney, it appears that almost abolishes Federal/State/local criminal laws or safety regulations.

To mention a few possibilities:

What about trespass legislation, and zoning laws? How about the question of the Interior Department levying certain reasonable fees, as it does in national parks? What about the regulation of automobiles, traffic, and access?

It seems to me this is a terrific can of worms; and, speaking of a can of worms, what regulations would we have about fishermen as opposed to bathers on these beaches?

Mr. GONZALEZ. In the context of the act itself, it has nothing to do with police or regulatory authority, or duly constituted political subdivisions that do

exist along the coastal areas, and the gentleman's fear there would be based on an unreasonable interpretation of that phrase.

As I look upon it, the activities that would be called for are sanctioned by the bill itself we are considering. My amendment would simply mean that no present citizen right of access which is unlimited in the legal sense of his ability to get to the beach shall be considered as impaired by anything obtained in this law. I do not see any contradiction there.

We are not talking about inherent powers such as the police power and other inherent power in a political subdivision legally constituted to govern along the coastal line.

Mr. DELLENBACK. Mr. Chairman, I rise in opposition to the amendment.

(Mr. DELLENBACK asked and was given permission to revise and extend his remarks.)

Mr. DELLENBACK. Mr. Chairman, it is with reluctance I rise to oppose the amendment, because I believe there is not any question that the goal for which the gentleman from Texas is reaching is one that has much desirable about it.

I believe the points made by the gentleman from Ohio are really fundamental. We should just look at the proposed language, which says, "Nothing contained in the act shall be construed as prohibiting any citizen free and unlimited access to the public beaches" and so on. It raises frightening possibilities.

It raises very serious questions as to the validity of any reasonable restrictive laws imposed in the sense of criminal penalties.

The matter of trespass has been touched upon. We may get into a situation where there is a public beach and the duly constituted authorities feel they must restrict entrance to some degree, or there may be an instance they feel they must charge fees for a part of the use. This amendment might prohibit even such valid and proper restrictions. It goes on and on and on, under the language involved in this amendment.

I am sure, under the haste of putting this together, there have been words put in here that would not stand careful scrutiny. I believe we would be creating a monster that would fly right in the face of proper and careful planning, which is the purpose of this legislation.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. DELLENBACK. I am glad to yield to the gentleman from Illinois.

Mr. COLLIER. I would certainly agree with my colleague in the well. We must consider the implications of the proposed amendment, well-meaning as it might be. They are far-reaching, too far-reaching to be handled on the basis of having the amendment adopted here today.

I would hope that with proper deliberation at the proper time the committee could consider this approach and do it in the proper way, rather than on the basis it is presented here.

Mr. DELLENBACK. I appreciate the comments of my colleague, and I am glad to yield now to my colleague from New Jersey.

Mr. PATTEN. I thank the gentleman for yielding.

May I say that we have no authority under the Constitution to pass this amendment. Atlantic City, and the gentleman's beaches in New York, such as Coney Island and so on, and the rights to real estate therein, are under State laws and not under the U.S. Constitution. I think this bill would violate those interpretations.

There is no such thing as a free beach. If Members have ever had the responsibility of regulating a million people at Coney Island, they understand that there is no such thing as a free beach. We have to pay a lot of money in order to bring those people to the beaches.

Mr. DELLENBACK. I appreciate the comments of the gentleman, and now I am happy to yield to my colleague and friend from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I merely make two points.

You may very well be negating the possibility of wanting to preserve an area by this amendment.

The other thing is I think the essential objectives of this legislation are to get the States and the political subdivisions into the planning process so far as the coastal management is concerned.

Mr. DELLENBACK. I thank the gentleman, and I now yield to the gentleman from New York.

Mr. GROVER. I think the gentleman's objection is well founded.

There is one fault in the amendment of the gentleman from Texas, and that is it points to public beaches and complete access to public beach lands.

You must remember that a great deal of our public beach lands were not designed for recreational use. A good deal of it along the Atlantic coast is used for purposes of waterfowl and bird sanctuaries, nature study laboratories, and wet lands. This would open up the wet lands to use.

Mr. DELLENBACK. The point the gentleman makes is very well taken. The motives are exceptional. The amendment is bad.

I urge, ladies and gentlemen, that we defeat this amendment today and let the matter be considered at the proper time by the proper committee at a later date.

Mr. HANNA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the point that Mr. GONZALEZ tried to make is very well worth our consideration, and the points made in objection to the present language are very well taken. I would suggest to Mr. GONZALEZ that his objective can be reached and I think all of the objections can be overcome by rewording the amendment as follows:

Nothing contained in this Act shall be construed as changing any citizen's access and enjoyment of the public beaches and beachlands in all coastal areas as now by law exists.

I think what the gentleman wanted to be sure of is that this legislation did not in any way supersede existing law which created certain rights of enjoyment to the great and yet very limited resource of public beaches.

I think the points being made against the language are valid, but I think the point being sought by the gentleman from Texas, if I understood the thrust of his remarks correctly, is also valid.

He wanted to be sure in passing this law at this point in time and context we were not superseding existing rights that by State law exist for State citizens all over this country.

Mr. GONZALEZ. Will the gentleman yield?

Mr. HANNA. I am glad to yield to the gentleman.

Mr. GONZALEZ. If my distinguished friend will yield for just one moment, I want to thank my good friend from California. I do not quibble with the refined language that the gentleman offers. I will accept it, if it is in order, because it certainly refines my intention.

I can certainly assure this body there is no desire or even the least scintilla of an intention to intrude on the freedom of religion, the freedom of expression, or any of the other traditional American freedoms except to pinpoint that the freedom that a citizen now has of access to the public beaches will not in any way be impaired by any provision contained in this act, and that is all.

That is all. So I will be delighted to accept the suggestion.

Mr. HANNA. I think the language suggested, and I believe the gentleman from Texas will agree with me, is simply to make the point which is fairly simple. No one here wants the amendment offered by the gentleman from Texas (Mr. GONZALEZ) to change existing law. And the gentleman from Texas I am sure will agree with me in the suggestion that this particular act does not change existing law relative to the present rights of citizens to enjoy public beaches. I do not think there is any quarrel in this body with that.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. HANNA. I yield to the gentleman from Texas.

Mr. WHITE. Mr. Chairman, may I ask the gentleman if the gentleman is offering this as a substitute to the amendment offered by the gentleman from Texas (Mr. GONZALEZ)?

Mr. HANNA. Yes; that is correct.

Mr. WHITE. Then, in order to make legislative history, this then would not prevent other legislative and competent legal authorities from changing the law in the future; your amendment merely goes to this particular bill?

Mr. HANNA. That is right. Nothing in this bill shall in any way be construed to interfere with the existing rights of citizens to enjoy public beaches. I think we can all be in agreement on that, and I believe that the gentleman from Texas has captured the purpose of the amendment offered by the gentleman from Texas (Mr. GONZALEZ).

Mr. WHITE. I thank the gentleman.

Mr. HANNA. Might I say that I am offering this as a substitute to the amendment offered by the gentleman from Texas (Mr. GONZALEZ)?

AMENDMENT OFFERED BY MR. HANNA AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. GONZALEZ

Mr. HANNA. Mr. Chairman, I offer an

So the amendment, as amended, was rejected.

The CHAIRMAN. Are there any further amendments to be proposed? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker, having resumed the chair, Mr. LANDRUM, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration, the bill (H.R. 14146) to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zone, and for other purposes, pursuant to House Resolution 1063, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered. Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 376, nays 6, not voting 50, as follows:

[Roll No. 295]

YEAS—376

Abbott
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Blagel
Blister
Bingham
Blackburn
Boggs
Boland
Boiling
Bow
Brademas
Bray

Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byrnes, Pa.
Byrnes, Wis.
Byrnes, Wis.
Cabel
Camp
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chappell
Chisholm
Clancy
Clark
Clausen,
Don H.
Clawson, Del.
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conover
Conte

Conyers
Corman
Cotter
Coughlin
Crane
Culver
Curlin
Daniel, Va.
Danfelson
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Ellberg
Erlenborn
Esch
Eshleman
Evans, Colo.

Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fuqua
Galifarakis
Garmatz
Gaydos
Gettys
Gialino
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Haley
Halpern
Hamilton
Hammer-
schmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hogan
Hollifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Ichord
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastermeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczyński
Koch
Kyl
Kyros
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.

Lujan
McClary
McCloskey
McCollister
McCormack
McCulloch
McDade
McEwen
McFall
McKay
McKevitt
McKinney
Macdonald,
Mass.
Madden
Mahon
Mailliard
Mallory
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Mitchell
Mizell
Molohan
Monagan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quile
Quillen
Rallsback
Randall
Rangel
Rees
Reuss
Rhodes
Riegle
Robinson, Va.
Robinson, N.Y.
Rodino
Roe
Rogers
Rooney, Pa.
Rosenthal
Rostenkowski

NAYS—6

Ashbrook
Burleson, Tex.
Abernethy
Anderson,
Tenn.
Blanton
Blatnik
Brasco
Broomfield
Caffery
Chamberlain

Gross
Hall
Clay
Daniels, N.J.
Davis, Ga.
Davis, S.C.
Derwinski
Dowdy
Evins, Tenn.
Flynt
Ford, Gerald R.

NOT VOTING—50

Roush
Rousset
Roy
Roybal
Runnels
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebell
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Mazzoli
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton,
J. William
Stanton,
James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thompson, N.J.
Thompson, Wis.
Thone
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Versey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson,
Charles H.
Winn
Wolf
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

Jarman
Jones, Tenn.
Kuykendall
Landgrebe
Long, La.
McClure
McDonald,
Mich.
McMillan

Melcher
Miller, Calif.
Minshall
Myers
Nedzi
Pepper
Pryor, Ark.
Rarick
Reid

Roberts
Rooney, N.Y.
Ruppe
Ryan
Stokes
Stuckey
Teague, Tex.
Ullman

So the bill was passed.
The Clerk announced the following pairs:
Mr. Hébert with Mr. Gerald R. Ford.
Mr. Rooney with Mr. New York with Mr. Broomfield.
Mr. Roberts with Mr. Chamberlain.
Mr. Blatnik with Mr. Derwinski.
Mr. Brasco with Mr. Myers.
Mr. Teague of Texas with Mr. Hutchinson.
Mrs. Hansen of Washington with Mr. Minshall.
Mr. Fulton with Mr. Hillis.
Mr. Blanton with Mr. Davis of Georgia.
Mr. Anderson of Tennessee with Mr. Miller of California.
Mr. Jones of Tennessee with Mr. Landgrebe.
Mr. Nedzi with Mr. Ruppe.
Mr. Evins of Tennessee with Mr. Kuykendall.
Mr. Pepper with Mr. McClure.
Mr. Flynt with Mr. Long of Louisiana.
Mr. William D. Ford with Mr. McDonald of Michigan.
Mr. Reid with Mr. Pryor of Arkansas.
Mr. Daniels of New Jersey with Mr. Dowdy.
Mr. Gallagher with Mr. Clay.
Mr. Melcher with Mr. Ullman.
Mr. Stokes with Mr. Ryan.
Mr. Davis of South Carolina with Mr. Hagan.
Mr. Stuckey with Mr. Jarman.
Mr. Abernethy with Mr. Rarick.

The result of the vote was announced as above received.
A motion to reconsider was laid on the table.
The SPEAKER. Pursuant to the provisions of House Resolution 1063, the Committee on Merchant Marine and Fisheries is discharged from the further consideration of the bill (S. 3507) To establish a national policy and develop a national policy for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes.
The Clerk read the title of the Senate bill.
MOTION OFFERED BY MR. LENNON
Mr. LENNON. Mr. Speaker, I offer a motion.
The Clerk read as follows:
Mr. LENNON moves to strike out all after the enacting clause of S. 3507 and to insert in lieu thereof the provisions of H.R. 14146, as passed, as follows:
That the Act entitled "An Act to provide for a comprehensive, long-range, and coordinated national program in marine science, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering and Resources, and for other purposes", approved June 17, 1966 (80 Stat. 203), as amended (33 U.S.C. 1101-1124), is further amended by adding at the end thereof the following new title:
"TITLE III—MANAGEMENT OF THE COASTAL ZONE
"SHORT TITLE
"Sec. 301. This title may be cited as the 'Coastal Zone Management Act of 1972'.

"CONGRESSIONAL FINDINGS

"SEC. 302. The Congress finds that—

"(a) There is a national interest in the effective management, beneficial use, protection, and development of the coastal zone;

"(b) The coastal zone is rich in a variety of natural, commercial, recreational, industrial, and esthetic resources of immediate and potential value to the present and future well-being of the Nation;

"(c) The increasing and competing demands upon the lands and waters of our coastal zone occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources, have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion;

"(d) The coastal zone, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destruction by man's alterations;

"(e) Important ecological, cultural, historic, and esthetic values in the coastal zone which are essential to the well-being of all citizens are being irretrievably damaged or lost;

"(f) Special natural and scenic characteristics are being damaged by ill-planned development that threatens these values;

"(g) In light of competing demands and the urgent need to protect and give high priority to natural systems in the coastal zone, present state and local institutional arrangements for planning and regulating land and water uses in such areas are inadequate; and

"(h) The key to more effective protection and use of the land and water resources of the coastal zone is to encourage the states to exercise their full authority over the lands and waters in the coastal zone by assisting the states, in cooperation with Federal and local governments and other vitally affected interests, in developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.

"DECLARATION OF POLICY

"SEC. 303. The Congress declares that it is the national policy (a) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations, (b) to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development, (c) for all Federal agencies engaged in programs affecting the coastal zone to cooperate and participate with state and local governments and regional agencies in effectuating the purposes of this title, and (d) to encourage the participation of the public, of Federal, state, and local governments and of regional agencies in the development of coastal zone management programs. With respect to implementation of such management programs, it is the national policy to encourage cooperation among the various state and regional agencies including establishment of interstate and regional agreements, cooperative procedures, and joint action particularly regarding environmental problems.

"DEFINITIONS

"SEC. 304. For the purposes of this title—

"(a) 'Coastal zone' means the coastal wa-

ters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the outer limit of the United States territorial sea. The zone extends inland from the shorelines only to the extent necessary to control those shorelands, the uses of which have a direct impact on the coastal waters.

"(b) 'Coastal waters' mean (1) in the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great Lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes and (2) in other areas, those waters, adjacent to the shorelines, which contain a measurable quantity or percentage of sea water, including, but not limited to, sounds, bays, lagoons, bayous, ponds, and estuaries.

"(c) 'Coastal state' means a state of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. For the purposes of this title, the term includes Puerto Rico, the Virgin Islands, Guam, and American Samoa.

"(d) 'Estuary' means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage. The term includes estuary-type areas of the Great Lakes.

"(e) 'Estuarine sanctuary' means a research area which may include any part or all of an estuary, adjoining transitional areas, and adjacent uplands, constituting to the extent feasible a natural unit, set aside to provide scientists and students the opportunity to examine over a period of time the ecological relationships within the area.

"(f) 'Secretary' means the Secretary of the Interior.

"MANAGEMENT PROGRAM DEVELOPMENT GRANTS

"SEC. 305. (a) The Secretary is authorized to make annual grants to any coastal state for the purpose of assisting in the development of a management program for the land and water resources of its coastal zone.

"(b) Such management program shall include:

"(1) an identification of the boundaries of the portions of the coastal state subject to the management program;

"(2) a definition of what shall constitute permissible land and water uses;

"(3) an inventory and designation of areas of particular concern;

"(4) an identification of the means by which the state proposes to exert control over land and water uses, including a listing of relevant constitutional provisions, legislative enactments, regulations, and judicial decisions;

"(5) broad guidelines on priority of uses in particular areas, including specifically those uses of lowest priority;

"(6) a description of the organizational structure proposed to implement the management program, including the responsibilities and interrelationship of local areawide, state, regional, and interstate agencies in the management process.

"(c) The grants shall not exceed 66⅔ per centum of the costs of the program in any one year. Federal funds received from other sources shall not be used to match the grants. In order to qualify for grants under this subsection, the state must reasonably demonstrate to the satisfaction of the Secretary that such grants will be used to develop a management program consistent with the requirements set forth in section 306 of this

title. Successive grants may be made annually for a period not to exceed two years: *Provided*, That no second grant shall be made under this subsection unless the Secretary finds that the state is satisfactorily developing such management program.

"(d) Upon completion of the development of the state's management program, the state shall submit such program to the Secretary for review and approval pursuant to the provisions of section 306 of this title, or such other action as he deems necessary. On final approval of such program by the Secretary, the state's eligibility for further grants under this section shall terminate, and the state shall be eligible for grants under section 306 of this title.

"(e) Grants under this section shall be allocated to the states based on rules and regulations promulgated by the Secretary: *Provided, however*, That no management program development grant under this section shall be made in excess of 15 per centum of the total amount appropriated to carry out the purposes of this section.

"(f) Grants or portions thereof not obligated by a state during the fiscal year for which they were first authorized to be obligated by the state, or during the fiscal year immediately following, shall revert to the Secretary, and shall be added by him to the funds available for grants under this section.

"(g) With the approval of the Secretary, the state may allocate to a local government, to an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, to a regional agency, or to an interstate agency, a portion of the grant under this section, for the purpose of carrying out the provisions of this section.

"(h) The authority to make grants under this section shall expire on June 30, 1975.

"ADMINISTRATIVE GRANTS

"SEC. 306. (a) The Secretary is authorized to make annual grants to any coastal state for not more than 66⅔ per centum of the costs of administering the state's management program, if he approves such program in accordance with subsection (c) hereof. Federal funds received from other sources shall not be used to pay the state's share of costs.

"(b) Such grants shall be allocated to the states with approved programs based on rules and regulations promulgated by the Secretary, which shall take into account the extent and nature of the shoreline and area covered by the plan, population of the area, and other relevant factors: *Provided, however*, That no annual administrative grant under this section shall be made in excess of 15 per centum of the total amount appropriated to carry out the purposes of this section.

"(c) Prior to granting approval of a management program submitted by a coastal state, the Secretary shall find that:

"(1) The state has developed and adopted a management program for its coastal zone in accordance with rules and regulations promulgated by the Secretary, after notice, and with the opportunity of full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, public and private, which is adequate to carry out the purposes of this title and is consistent with the policy declared in section 303 of this title.

"(2) The state has:

"(A) coordinated its program with local, areawide, and interstate plans applicable to areas within the coastal zone existing on January 1 of the year in which the state's management program is submitted to the Secretary, which plans have been developed by a local government, an areawide agency designated pursuant to regulations established under section 204 of the Demonstration Cities and Metropolitan Development

Act of 1966, a regional agency, or an interstate agency; and

"(B) established an effective mechanism for continuing consultation and coordination between the management agency designated pursuant to paragraph (5) of this subsection and with local governments, interstate agencies, and areawide agencies within the coastal zone to assure the full participation of such local governments and agencies in carrying out the purposes of this title.

"(3) The state has held public hearings in the development of the management program.

"(4) The management program and any changes thereto have been reviewed and approved by the Governor.

"(5) The Governor of the state has designated a single agency to receive and administer the grants for implementing the management program required under paragraph (1) of this subsection.

"(6) The state is organized to implement the management program required under paragraph (1) of this subsection.

"(7) The state has the authorities necessary to implement the program, including the authority required under subsection (d) of this section.

"(8) The management program provides for adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature.

"(9) The management program makes provision for procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreational, ecological, or esthetic values.

"(d) Prior to granting approval of the management program, the Secretary shall find that the state, acting through its chosen agency or agencies, including local governments, areawide agencies designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, regional agencies, or interstate agencies, has authority for the management of the coastal zone in accordance with the management program. Such authority shall include power—

"(1) to administer land and water use regulations, control development in order to insure compliance with the management program, and to resolve conflicts among competing uses; and

"(2) to acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program.

"(e) Prior to granting approval, the Secretary shall also find that the program provides:

"(1) for any one or a combination of the following general techniques for control of land and water uses:

"(A) State establishment of criteria and standards for local implementation, subject to administrative review and enforcement of compliance;

"(B) Direct state land and water use planning and regulation; or

"(C) State administrative review for consistency with the management program of all development plans, projects, or land and water use regulations, including exceptions and variances thereto, proposed by any state or local authority or private developer, with power to approve or disapprove after public notice and an opportunity for hearings.

"(2) for a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit.

"(f) With the approval of the Secretary, a state may allocate to a local government, an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional

agency, or an interstate agency, a portion of the grant under this section for the purpose of carrying out the provisions of this section: *Provided*, That such allocation shall not relieve the state of the responsibility for insuring that any funds so allocated are applied in furtherance of such state's approved management program.

"(g) The state shall be authorized to amend the management program. The modification shall be in accordance with the procedures required under subsection (c) of this section. Any amendment or modification of the program must be approved by the Secretary before additional administrative grants are to be made to the state under the program as amended.

"(h) At the discretion of the state and with the approval of the Secretary, a management program may be developed and adopted in segments so that immediate attention may be devoted to those areas of the coastal zone which most urgently need management programs: *Provided*, That the state adequately allows for the ultimate coordination of the various segments of the management program into a single unified program and that the unified program will be completed as soon as is reasonably practicable.

"INTERAGENCY COORDINATION AND COOPERATION

"SEC. 307. (a) In carrying out his functions and responsibilities under this title, the Secretary shall consult with, cooperate with, and, to the maximum extent practicable, coordinate his activities with other interested Federal agencies.

"(b) The Secretary shall not approve the management program submitted by a state pursuant to section 306 unless the views of Federal agencies principally affected by such program have been adequately considered. In case of serious disagreement between any Federal agency and the state in the development of the program the Secretary, in cooperation with the Executive Office of the President, shall seek to mediate the differences.

"(c) (1) Each Federal agency conducting or supporting activities in the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs.

"(2) Any Federal agency which shall undertake any development project in the coastal zone of a state shall insure that the project is, to the maximum extent practicable, consistent with approved state management programs.

"(3) After final approval by the Secretary of a State's management program, any applicant for a required Federal license or permit to conduct an activity affecting land or water uses in the coastal zone of that State shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the State's approved program and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to the State or its designated agency a copy of the certification, with all necessary information and data. Each coastal State shall establish procedures for public notice in the case of all such certification and, to the extent it deems appropriate, procedures for public hearings in connection therewith. At the earliest practicable time, the State or its designated agency shall notify the Federal agency concerned that the State concurs with or objects to the applicant's certification. If the State or its designated agency fails to furnish the required notification within six months after receipt of its copy of the applicant's certification, the State's concurrence with the certification shall be conclusively presumed. No license or permit shall be granted by the Federal agency until the State or its design-

nated agency has concurred with the applicant's certification or until, by the State's failure to act, the concurrence is conclusively presumed, unless the Secretary, on his own initiative or upon appeal by the applicant, finds, after providing a reasonable opportunity for detailed comments from the Federal agency involved and from the State, that the activity is consistent with the objectives of this title or is otherwise necessary in the interest of national security.

"(d) State and local governments submitting applications for Federal assistance under other Federal programs affecting the coastal zone shall indicate the views of the appropriate State or local agency as to the relationship of such activities to the approved management program for the coastal zone. Such applications shall be submitted and coordinated in accordance with the provisions of title IV of the Intergovernmental Coordination Act of 1968 (82 Stat. 1088). Federal agencies shall not approve proposed projects that are inconsistent with a coastal State's management program; except upon a finding by the Secretary that such project is consistent with the purposes of this title or necessary in the interest of national security.

"(e) Nothing in this section shall be construed—

"(1) to diminish either Federal or state jurisdiction, responsibility, or rights in the field of planning, development, or control of water resources and navigable waters; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more states or of two or more states and the Federal Government; nor to limit the authority of Congress to authorize and fund projects;

"(2) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board, and the United States operating entity or entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission, United States and Mexico.

"PUBLIC HEARINGS

"SEC. 308. All public hearings required under this title must be announced at least thirty days prior to the hearing date. At the time of the announcement, all agency materials pertinent to the hearings, including documents, studies, and other data, must be made available to the public for review and study. As similar materials are subsequently developed, they shall be made available to the public as they become available to the agency.

"REVIEW OF PERFORMANCE

SEC. 309. (a) The Secretary shall conduct a continuing review of the management programs of the coastal states and of the performance of each state.

"(b) The Secretary shall have the authority to terminate any financial assistance extended under section 306 and to withdraw any unexpended portion of such assistance if (1) he determines that the state is failing to adhere to and is not justified in deviating from the program approved by the Secretary; and (2) the state has been given notice of proposed termination and withdrawal and an opportunity to present evidence of adherence or justification for altering its program.

"RECORDS

"SEC. 310. (a) Each recipient of a grant under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of the funds received under the grant, the total cost of the project or under-

taking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of the grant that are pertinent to the determination that funds grants are used in accordance with this title.

"ADVISORY COMMITTEE

"SEC. 311. (a) The Secretary is authorized and directed to establish a Coastal Zone Management Advisory Committee to advise, consult with, and make recommendations to the Secretary on matters of policy concerning the coastal zone. Such committee shall be composed of not more than ten persons designated by the Secretary and shall perform such functions and operate in such a manner as the Secretary may direct. The Secretary shall insure that the committee membership as a group possesses a broad range of experience and knowledge relating to problems involving management, use, conservation, protection, and development of coastal zone resources.

"(b) Members of said advisory committee who are not regular full-time employees of the United States, while serving on the business of the committee, including travel time, may receive compensation at rates not exceeding \$100 per diem; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

"ESTUARINE SANCTUARIES

"SEC. 312. (a) The Secretary, in accordance with rules and regulations promulgated by him, is authorized to make available to a coastal state grants of up to 50 per centum of the costs of acquisition, development, and operation of estuarine sanctuaries for the purpose of creating natural field laboratories to gather data and make studies of the natural and human processes occurring within the estuaries of the coastal zone. The Federal share of the cost for each such sanctuary shall not exceed \$2,000,000. No Federal funds received pursuant to section 305 or section 306 shall be used for the purpose of this section.

"(b) When an estuarine sanctuary is established by a coastal state, for the purpose envisioned in subsection (a), whether or not Federal funds have been made available for a part of the costs of acquisition, development, and operation, the Secretary, at the request of the state concerned, and after consultation with interested Federal departments and agencies and other interested parties, may extend the established estuarine sanctuary seaward beyond the coastal zone, to the extent necessary to effectuate the purposes for which the estuarine sanctuary was established.

"(c) The Secretary shall issue necessary and reasonable regulations related to any such estuarine sanctuary extension to assure that the development and operation thereof is coordinated with the development and operation of the estuarine sanctuary of which it forms an extension.

"MANAGEMENT PROGRAM FOR THE CONTIGUOUS ZONE OF THE UNITED STATES

"SEC. 313. (a) The Secretary shall develop, in coordination with the Secretary of the Interior, and after appropriate consultation with the Secretary of Defense, the Secretary of Transportation, and other interested parties, Federal and non-Federal, governmental and nongovernmental, a program for the management of the area outside the coastal zone and within twelve miles of the baseline from which the breadth of the ter-

ritorial sea is measured. The program shall be developed for the benefit of industry, commerce, recreation, conservation, transportation, navigation, and the public interest in the protection of the environment and shall include, but not be limited to, provisions for the development, conservation, and utilization of fish and other living marine resources, mineral resources, and fossil fuels, the development of aquaculture, the promotion of recreational opportunities, and the coordination of research.

"(b) To the extent that any part of the management program developed pursuant to this section shall apply to any high seas area, the subjacent seabed and subsoil of which lies within the seaward boundary of a coastal state, as that boundary is defined in section 2 of title I of the Act of May 22, 1953 (67 Stat. 29), the program shall be coordinated with the coastal state involved.

"(c) The Secretary shall, to the maximum extent practicable, apply the program developed pursuant to this section to waters which are adjacent to specific areas in the coastal zone which have been designated by restoring such areas for their conservation, recreational, ecological, or esthetic values.

"ANNUAL REPORT

"SEC. 314. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress not later than November 1 of each year a report on the administration of this title for the preceding Federal fiscal year. The report shall include but not be restricted to (1) an identification of the state programs approved pursuant to this title during the preceding Federal fiscal year and a description of those programs; (2) a listing of the states participating in the provisions of this title and a description of the status of each state's program and its accomplishments during the preceding Federal fiscal year; (3) an itemization of the allotment of funds to the various coastal states and a breakdown of the major projects and areas on which these funds were expended; (4) an identification of any state programs which have been previewed and disapproved or with respect to which grants have been terminated under this title, and a statement of the reasons for such action; (5) a listing of all activities and projects which, pursuant to the provisions of subsection (c) or subsection (d) of section 307, are not consistent with an applicable approved state management program; (6) a summary of the regulations issued by the Secretary or in effect during the preceding Federal fiscal year; (7) a summary of a coordinated national strategy and program for the Nation's coastal zone including identification and discussion of Federal, regional, state, and local responsibilities and functions therein; (8) a summary of outstanding problems arising in the administration of this title in order of priority; and (9) such other information as may be appropriate.

"(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Secretary deems necessary to achieve the objectives of this title and enhance its effective operation.

"RULES AND REGULATIONS

"SEC. 315. The Secretary shall develop and promulgate, pursuant to section 553 of title 5, United States Code, after notice and opportunity for full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the provisions of this title.

"PENALTIES

"SEC. 316. (a) Whoever violates any regulation which implements the provisions of section 312(c) or section 313(a) of this title shall be liable to a civil penalty of not more

than \$10,000 for each such violation, to be assessed by the Secretary. Each day of a continuing violation shall constitute a separate violation.

"(b) No penalty shall be assessed under this section until the person charged shall have been given notice and an opportunity to be heard. For good cause shown, the Secretary may remit or mitigate any such penalty. Upon failure of the offending party to pay the penalty, as assessed or, when mitigated, as mitigated, the Attorney General, at the request of the Secretary, shall commence action in the appropriate district court of the United States to collect such penalty and to seek other relief as may be appropriate.

"(c) A vessel used in the violation of any regulation which implements the provisions of section 312(c) or section 313(a) of this title shall be liable in rem for any civil penalty assessed for such violation and may be proceeded against in any district court of the United States having jurisdiction thereof.

"(d) The district courts of the United States shall have jurisdiction to restrain violations of the regulations issued pursuant to this title. Actions shall be brought by the Attorney General in the name of the United States, either on his own initiative or at the request of the Secretary.

"APPROPRIATIONS

"SEC. 317. (a) There are authorized to be appropriated—

"(1) the sum of \$6,000,000 for fiscal year 1973 and fiscal year 1974 and \$4,000,000 for fiscal year 1975 for grants under section 305 to remain available until expended;

"(2) the sum of \$18,000,000 for fiscal year 1974 and for fiscal year 1975 for grants under section 306 to remain available until expended; and

"(3) the sum of \$6,000,000 for fiscal year 1973 for grants under section 312 to remain available until expended."

"(b) There are also authorized to be appropriated such sums, not to exceed \$3,000,000, for fiscal year 1973 and for each of the two succeeding fiscal years, as may be necessary for administrative expenses incident to the administration of this title.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 14146) was laid on the table.

GENERAL LEAVE

Mr. LENNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

ELECTION TO COMMITTEE

Mr. HOGGS. Mr. Speaker, I offer a privileged resolution (H. Res. 1074) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1074

Resolved, That Brock Adams, of Washington, be, and he is hereby, elected a member of the standing committee of the House of Representatives on the District of Columbia.

p.m. on Wednesday, and that rule XII be waived.

The PRESIDING OFFICER (Mr. Church). Is there objection to the unanimous consent request propounded by the distinguished Senator from West Virginia? The Chair hears none, and the unanimous consent request is agreed to.

Mr. ROBERT C. BYRD. Mr. President, I thank all Senators, especially the manager of the bill (Mr. Bayh) and the distinguished ranking member of the Committee on the Judiciary (Mr. Hruska).

I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Church). Without objection it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS, FOR GUN CONTROL ACT TO BE LAID BEFORE THE SENATE, AND FOR UNFINISHED BUSINESS (S.J. RES. 241) TO BE TEMPORARILY LAID ASIDE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the orders for the recognition of Senators on tomorrow, there be a period for the transaction of routine morning business not to extend beyond 10:30 a.m., with statements therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate S. 2507, the Gun Control Act, and that the unfinished business (S.J. Res. 241) be temporarily laid aside and remain in a temporarily laid aside status until the close of business tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS AND FOR LAYING ASIDE OF UNFINISHED BUSINESS (S.J. RES. 241) ON WEDNESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday, after the two leaders have been recognized under the standing order, there be a period for the transaction of routine morning business for not to exceed 15 minutes with statements limited therein to 3 minutes, at the conclusion of which the Chair lay before the Senate S. 2507, the gun control bill, and that the unfinished business (S.J. Res. 241) be temporarily laid aside and remain in a temporarily laid aside status until the close of business on Wednesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEVELOPMENT OF LAND AND WATER RESOURCES OF THE NATION'S COASTAL ZONES

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3507.

The PRESIDING OFFICER (Mr. Church) laid before the Senate the amendment of the House of Representatives to the bill (S. 3507) to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes, which was to strike out all after the enacting clause, and insert:

That the Act entitled "An Act to provide for a comprehensive, long-range, and coordinated national program in marine science, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering and Resources, and for other purposes", approved June 17, 1966 (80 Stat. 203), as amended (33 U.S.C. 1101-1124), is further amended by adding at the end thereof the following new title:

"TITLE III—MANAGEMENT OF THE COASTAL ZONE

"SHORT TITLE

"SEC. 301. This title may be cited as the 'Coastal Zone Management Act of 1972'."

"CONGRESSIONAL FINDINGS

"SEC. 302. The Congress finds that—

"(a) There is a national interest in the effective management, beneficial use, protection, and development of the coastal zone;

"(b) The coastal zone is rich in a variety of natural, commercial, recreational, industrial, and esthetic resources of immediate and potential value to the present and future well-being of the Nation;

"(c) The increasing and competing demands upon the lands and waters of our coastal zone occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources, have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion;

"(d) The coastal zone, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destruction by man's alterations;

"(e) Important ecological, cultural, historic, and esthetic values in the coastal zone which are essential to the well-being of all citizens are being irretrievably damaged or lost;

"(f) Special natural and scenic characteristics are being damaged by ill-planned development that threatens these values;

"(g) In light of competing demands, and the urgent need to protect and to give high priority to natural systems in the coastal zone, present state and local institutional arrangements for planning and regulating

land and water uses in such areas are inadequate; and

"(h) The key to more effective protection and use of the land and water resources of the coastal zone is to encourage the states to exercise their full authority over the lands and waters in the coastal zone by assisting the states, in cooperation with Federal and local governments and other vitally affected interests, in developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.

"DECLARATION OF POLICY

"SEC. 303. The Congress declares that it is the national policy (a) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations, (b) to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development, (c) for all Federal agencies engaged in programs affecting the coastal zone to cooperate and participate with state and local governments and regional agencies in effectuating the purposes of this title, and (d) to encourage the participation of the public, of Federal, state, and local governments and of regional agencies in the development of coastal zone management programs. With respect to implementation of such management programs, it is the national policy to encourage cooperation among the various state and regional agencies including establishment of interstate and regional agreements, cooperative procedures, and joint action particularly regarding environmental problems.

"DEFINITIONS

"SEC. 304. For the purposes of this title—

"(a) 'Coastal zone' means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the outer limit of the United States territorial sea. The zone extends inland from the shorelines only to the extent necessary to control those shorelands, the uses of which have a direct impact on the coastal waters.

"(b) 'Coastal waters' means (1) in the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great Lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes and (2) in other areas, those waters, adjacent to the shorelines, which contain a measurable quantity or percentage of sea water, including, but not limited to, sounds, bays, lagoons, bayous, ponds, and estuaries.

"(c) 'Coastal state' means a state of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. For the purposes of this title, the term includes Puerto Rico, the Virgin Islands, Guam, and American Samoa.

"(d) 'Estuary' means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage. The term includes estuary-type areas of the Great Lakes.

"(e) 'Estuarine sanctuary' means a research area which may include any part or all of an estuary, adjoining transitional areas, and adjacent uplands, constituting to the extent feasible a natural unit, set aside to provide scientists and students the opportunity to examine over a period of time the ecological relationships within the area.

"(f) 'Secretary' means the Secretary of the Interior.

"MANAGEMENT PROGRAM DEVELOPMENT GRANTS"

"SEC. 305. (a) The Secretary is authorized to make annual grants to any coastal state for the purpose of assisting in the development of a management program for the land and water resources of its coastal zone.

"(b) Such management program shall include:

"(1) an identification of the boundaries of the portions of the coastal state subject to the management program;

"(2) a definition of what shall constitute permissible land and water uses;

"(3) an inventory and designation of areas of particular concern;

"(4) an identification of the means by which the state proposes to exert control over land and water uses, including a listing of relevant constitutional provisions, legislative enactments, regulations, and judicial decisions;

"(5) broad guidelines on priority of uses in particular areas, including specifically those uses of lowest priority;

"(6) a description of the organizational structure proposed to implement the management program, including the responsibilities and interrelationships of local areawide, state, regional, and interstate agencies in the management process.

"(c) The grants shall not exceed 66⅔ per centum of the costs of the program in any one year. Federal funds received from other sources shall not be used to match the grants. In order to qualify for grants under this subsection, the state must reasonably demonstrate to the satisfaction of the Secretary that such grants will be used to develop a management program consistent with the requirements set forth in section 306 of this title. Successive grants may be made annually for a period not to exceed two years: *Provided*, That no second grant shall be made under this subsection unless the Secretary finds that the state is satisfactorily developing such management program.

"(d) Upon completion of the development of the state's management program, the state shall subject such program to the Secretary for review and approval pursuant to the provisions of section 308 of this title, or such other action as he deems necessary. On final approval of such program by the Secretary, the state's eligibility for further grants under this section shall terminate, and the state shall be eligible for grants under section 306 of this title.

"(e) Grants under this section shall be allocated to the states based on rules and regulations promulgated by the Secretary: *Provided, however*, That no management program development grant under this section shall be made in excess of 15 per centum of the total amount appropriated to carry out the purposes of this section.

"(f) Grants or portions thereof not obligated by a state during the fiscal year for which they were first authorized to be obligated by the state, or during the fiscal year immediately following, shall revert to the Secretary, and shall be added by him to the funds available for grants under this section.

"(g) With the approval of the Secretary, the state may allocate to a local government, to an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, to a regional agency, or to an interstate agency,

a portion of the grant under this section, for the purpose of carrying out the provisions of this section.

"(h) The authority to make grants under this section shall expire on June 30, 1975.

"ADMINISTRATIVE GRANTS"

"SEC. 306. (a) The Secretary is authorized to make annual grants to any coastal state for not more than 66⅔ per centum of the costs of administering the state's management program, if he approves such program in accordance with subsection (c) hereof. Federal funds received from other sources shall not be used to pay the state's share of costs.

"(b) Such grants shall be allocated to the states with approved programs based on rules and regulations promulgated by the Secretary, which shall take into account the extent and nature of the shoreline and area covered by the plan, population of the area, and other relevant factors: *Provided, however*, That no annual administrative grant under this section shall be made in excess of 15 per centum of the total amount appropriated to carry out the purposes of this section.

"(c) Prior to granting approval of a management program submitted by a coastal state, the Secretary shall find that:

"(1) The state has developed and adopted a management program for its coastal zone in accordance with rules and regulations promulgated by the Secretary, after notice, and with the opportunity of full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, public and private, which is adequate to carry out the purposes of this title and is consistent with the policy declared in section 303 of this title.

"(2) The State has:

"(A) coordinated its program with local, areawide, and interstate plans applicable to areas within the coastal zone existing on January 1 of the year in which the state's management program is submitted to the Secretary, which plans have been developed by a local government, an areawide agency designated pursuant to regulations established under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency; and

"(B) established an effective mechanism for continuing consultation and coordination between the management agency designated pursuant to paragraph (5) of this subsection and with local governments, interstate agencies, and areawide agencies within the coastal zone to assure the full participation of such local governments and agencies in carrying out the purposes of this title.

"(3) The state has held public hearings in the development of the management program.

"(4) The management program and any changes thereto have been reviewed and approved by the Governor.

"(5) The Governor of the state has designated a single agency to receive and administer the grants for implementing the management program required under paragraph (1) of this subsection.

"(6) The state is organized to implement the management program required under paragraph (1) of this subsection.

"(7) The state has the authorities necessary to implement the program, including the authority required under subsection (d) of this section.

"(8) The management program provides for adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature.

"(9) The management program makes provision for procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their con-

servation, recreational, ecological, or esthetic values.

"(d) Prior to granting approval of the management program, the Secretary shall find that the state, acting through its chosen agency or agencies, including local governments, areawide agencies designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, regional agencies, or interstate agencies, has authority for the management of the coastal zone in accordance with the management program. Such authority shall include power—

"(1) to administer land and water use regulations, control development in order to insure compliance with the management program, and to resolve conflicts among competing uses; and

"(2) to acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program.

"(e) Prior to granting approval, the Secretary shall also find that the program provides:

"(1) for any one or a combination of the following general techniques for control of land and water uses:

"(A) State establishment of criteria and standards for local implementation, subject to administrative review and enforcement of compliance;

"(B) Direct state land and water use planning and regulation; or

"(C) State administrative review for consistency with the management program of all development plans, projects, or land and water use regulations, including exceptions and variances thereto, proposed by any State or local authority or private developer, with power to approve or disapprove after public notice and an opportunity for hearings.

"(2) for a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit.

"(f) With the approval of the Secretary, a State may allocate to a local government, an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency, a portion of the grant under this section for the purpose of carrying out the provisions of this section: *Provided*, That such allocation shall not relieve the State of the responsibility for insuring that any funds so allocated are applied in furtherance of such State's approved management program.

"(g) The State shall be authorized to amend the management program. The modification shall be in accordance with the procedures required under subsection (c) of this section. Any amendments or modification of the program must be approved by the Secretary before additional administrative grants are to be made to the State under the program as amended.

"(h) At the discretion of the State and with the approval of the Secretary, a management program may be developed and adopted in segments so that immediate attention may be devoted to those areas of the coastal zone which most urgently need management programs: *Provided*, That the State adequately allows for the ultimate coordination of the various segments of the management program into a single unified program and that the unified program will be completed as soon as is reasonably practicable.

"INTERAGENCY COORDINATION AND COOPERATION"

"SEC. 307. (a) In carrying out his functions and responsibilities under this title, the Secretary shall consult with, cooperate with, and, to the maximum extent practicable, coordinate his activities with other interested Federal agencies.

"(b) The Secretary shall not approve the management program submitted by a State pursuant to section 306 unless the views of Federal agencies principally affected by such program have been adequately considered. In case of serious disagreement between any Federal agency and the State in the development of the program the Secretary, in cooperation with the Executive Office of the President, shall seek to mediate the differences.

"(c) (1) Each Federal agency conducting or supporting activities in the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs.

"(2) Any Federal agency which shall undertake any development project in the coastal zone of a state shall insure that the project is, to the maximum extent practicable, consistent with approved state management programs.

"(3) After final approval by the Secretary of a state's management program, any applicant for a required Federal license or permit to conduct an activity affecting land or water uses in the coastal zone of that state shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the state's approved program and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to the state or its designated agency a copy of the certification, with all necessary information and data. Each coastal state shall establish procedures for public notice in the case of all such certification and, to the extent it deems appropriate, procedures for public hearings in connection therewith. At the earliest practicable time, the state or its designated agency shall notify the Federal agency concerned that the state concurs with or objects to the applicant's certification. If the state or its designated agency fails to furnish the required notification within six months after receipt of its copy of the applicant's certification, the state's concurrence with the certification shall be conclusively presumed. No license or permit shall be granted by the Federal agency until the state or its designated agency has concurred with the applicant's certification or until, by the state's failure to act, the concurrence is conclusively presumed, unless the Secretary, on his own initiative or upon appeal by the applicant, finds, after providing a reasonable opportunity for detailed comments from the Federal agency involved and from the state, that the activity is consistent with the objectives of this title or is otherwise necessary in the interest of national security.

"(d) State and local governments submitting applications for Federal assistance under other Federal programs affecting the coastal zone shall indicate the views of the appropriate state or local agency as to the relationship of such activities to the approved management program for the coastal zone. Such applications shall be submitted and coordinated in accordance with the provisions of title IV of the Intergovernmental Coordination Act of 1968 (82 Stat. 1098). Federal agencies shall not approve proposed projects that are inconsistent with a coastal state's management program, except upon a finding by the Secretary that such project is consistent with the purposes of this title or necessary in the interest of national security.

"(e) Nothing in this section shall be construed—

"(1) to diminish either Federal or state jurisdiction, responsibility, or rights in the field of planning, development, or control of water resources and navigable waters; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more states or of

two or more states and the Federal Government; nor to limit the authority of Congress to authorize and fund projects;

(2) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board, and the United States operating entity or entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission, United States and Mexico.

"PUBLIC HEARINGS

"Sec. 308. All public hearings required under this title must be announced at least thirty days prior to the hearing date. At the time of the announcement, all agency materials pertinent to the hearings, including documents, studies, and other data, must be made available to the public for review and study. As similar materials are subsequently developed, they shall be made available to the public as they become available to the agency.

"REVIEW OF PERFORMANCE

Sec. 309. (a) The Secretary shall conduct a continuing review of the management programs of the coastal states and of the performance of each state.

"(b) The Secretary shall have the authority to terminate any financial assistance extended under section 306 and to withdraw any unexpended portion of such assistance if (1) he determines that the state is failing to adhere to and is not justified in deviating from the program approved by the Secretary; and (2) the state has been given notice of proposed termination and withdrawal and an opportunity to present evidence of adherence or justification for altering its program.

"RECORDS

"Sec. 310. (a) Each recipient of a grant under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of the funds received under the grant, the total cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of the grant that are pertinent to the determination that funds granted are used in accordance with this title.

"ADVISORY COMMITTEE

"Sec. 311. (a) The Secretary is authorized and directed to establish a Coastal Zone Management Advisory Committee to advise, consult with, and make recommendations to the Secretary on matters of policy concerning the coastal zone. Such committee shall be composed of not more than ten persons designated by the Secretary and shall perform such functions and operate in such a manner as the Secretary may direct. The Secretary shall insure that the committee membership as a group possesses a broad range of experience and knowledge relating to problems involving management, use, conservation, protection, and development of coastal zone resources.

"(b) Members of said advisory committee who are not regular full-time employees of the United States, while serving on the business of the committee, including travel time, may receive compensation at rates not exceeding \$100 per diem; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United

States Code, for individuals in the Government service employed intermittently.

"ESTUARINE SANCTUARIES

"Sec. 312. (a) The Secretary, in accordance with rules and regulations promulgated by him, is authorized to make available to a coastal state grants of up to 50 per centum of the costs of acquisition, development, and operation of estuarine sanctuaries for the purpose of creating natural field laboratories to gather data and make studies of the natural and human processes occurring within the estuaries of the coastal zone. The Federal share of the cost for each such sanctuary shall not exceed \$2,000,000. No Federal funds received pursuant to section 305 or section 306 shall be used for the purpose of this section.

"(b) When an estuarine sanctuary is established by a coastal state, for the purpose envisioned in subsection (a), whether or not Federal funds have been made available for a part of the costs of acquisition, development, and operation, the Secretary, at the request of the state concerned, and after consultation with interested Federal departments and agencies and other interested parties, may extend the established estuarine sanctuary seaward beyond the coastal zone, to the extent necessary to effectuate the purposes for which the estuarine sanctuary was established.

"(c) The Secretary shall issue necessary and reasonable regulations related to any such estuarine sanctuary extension to assure that the development and operation thereof is coordinated with the development and operation of the estuarine sanctuary of which it forms an extension.

"MANAGEMENT PROGRAM FOR THE CONTIGUOUS ZONE OF THE UNITED STATES

"Sec. 313. (a) The Secretary shall develop, in coordination with the Secretary of the Interior, and after appropriate consultation with the Secretary of Defense, the Secretary of Transportation, and other interested parties, Federal and non-Federal, governmental and nongovernmental, a program for the management of the area outside the coastal zone and within twelve miles of the baseline from which the breadth of the territorial sea is measured. The program shall be developed for the benefit of industry, commerce, recreation, conservation, transportation, navigation, and the public interest in the protection of the environment and shall include, but not be limited to, provisions for the development, conservation, and utilization of fish and other living marine resources, mineral resources, and fossil fuels, the development of aquaculture, the promotion of recreational opportunities, and the coordination of research.

"(b) To the extent that any part of the management program developed pursuant to this section shall apply to any high seas area, the subjacent seabed and subsoil of which lies within the seaward boundary of a coastal state, as that boundary is defined in section 2 of title I of the Act of May 22, 1953 (67 Stat. 29), the program shall be coordinated with the coastal state involved.

"(c) The Secretary shall, to the maximum extent practicable, apply the program developed pursuant to this section to waters which are adjacent to specific areas in the coastal zone which have been designated by the states for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values.

"ANNUAL REPORT

"Sec. 314. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress not later than November 1 of each year a report on the administration of this title for the preceding Federal fiscal year. The report shall include but not be restricted to (1) an identification of the state programs approved pursuant to this title

during the preceding Federal fiscal year and a description of those programs; (2) a listing of the states participating in the provisions of this title and a description of the status of each state's program and its accomplishments during the preceding Federal fiscal year; (3) an itemization of the allotment of funds to the various coastal states and a breakdown of the major projects and areas on which these funds were expended; (4) an identification of any state programs which have been reviewed and disapproved or with respect to which grants have been terminated under this title, and a statement of the reasons for such action; (5) a listing of all activities and projects which, pursuant to the provisions of subsection (c) or subsection (d) of section 307, are not consistent with an applicable approved state management program; (6) a summary of the regulations issued by the Secretary or in effect during the preceding Federal fiscal year; (7) a summary of a coordinated national strategy and program for the Nation's coastal zone including identification and discussion of Federal, regional, state, and local responsibilities and functions therein; (8) a summary of outstanding problems arising in the administration of this title in order of priority; and (9) such other information as may be appropriate.

"(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Secretary deems necessary to achieve the objectives of this title and enhance its effective operation.

"RULES AND REGULATIONS

"SEC. 315. The Secretary shall develop and promulgate, pursuant to section 553 of title 5, United States Code, after notice and opportunity for full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the provisions of this title.

"PENALTIES

"SEC. 316. (a) Whoever violates any regulation which implements the provisions of section 312(c) or section 313(a) of this title shall be liable to a civil penalty of not more than \$10,000 for each such violation, to be assessed by the Secretary. Each day of a continuing violation shall constitute a separate violation.

"(b) No penalty shall be assessed under this section until the person charged shall

have been given notice and an opportunity to be heard. For good cause shown, the Secretary may remit or mitigate any such penalty. Upon failure of the offending party to pay the penalty, as assessed or, when mitigated, the Attorney General, at the request of the Secretary, shall commence action in the appropriate district court of the United States to collect such penalty and to seek other relief as may be appropriate.

title shall be liable in rem for any civil penalty assessed for such violation and may be proceeded against in any district court

"(c) A vessel used in the violation of any regulation which implements the provisions of section 312(c) or section 313(a) of this title of the United States having jurisdiction thereof.

"(d) The district courts of the United States shall have jurisdiction to restrain violations of the regulations issued pursuant to this title. Actions shall be brought by the Attorney General in the name of the United States, either on his own initiative or at the request of the Secretary.

"APPROPRIATIONS

"SEC. 317. (a) There are authorized to be appropriated—

"(1) the sum of \$6,000,000 for fiscal year 1973 and fiscal year 1974 and \$4,000,000 for fiscal year 1975, for grants under section 305 to remain available until expended;

"(2) the sum of \$18,000,000 for fiscal year 1974 and for fiscal year 1975 for grants under section 306 to remain available until expended; and

"(3) the sum of \$6,000,000 for fiscal year 1973 for grants under section 312 to remain available until expended.

"(b) There are also authorized to be appropriated such sums, not to exceed \$3,000,000, for fiscal year 1973 and for each of the two succeeding fiscal years, as may be necessary for administrative expenses incident to the administration of this title."

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate disagree to the amendment of the House of Representatives on S. 3507, ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. HOLLINGS, and Mr. STEVENS conferees on the part of the Senate.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m. After the two leaders have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Senators JAVITS, PERCY, MATHIAS, PACKWOOD, and BUCKLEY.

After the recognition of Senators under the orders mentioned, there will be a period for the transaction of routine morning business for not to extend beyond 10:30 a.m. with statements limited therein to 3 minutes; at the conclusion of which the Chair will lay before the Senate S. 2507, the amendment to the Gun Control Act of 1968.

There is a time limitation thereon. Amendments will be called up. Yea-and-nay votes will occur on amendments; and, at no later than somewhere between 3:30 and 4 p.m. tomorrow, under the order entered, the majority leader or his designee will set aside the Gun Control Act and the Senate will proceed to the consideration of S. 945, a bill to provide for no-fault motor vehicle insurance.

There is a time agreement on a motion to be made by the distinguished Senator from Nebraska (Mr. HRUSKA), the motion being to commit the bill to the Committee on the Judiciary.

A vote will occur on the motion by Mr. HRUSKA at no later than 8 p.m. tomorrow. Repeating: There will be yea-and-nay votes tomorrow.

ADJOURNMENT TO 9 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m. tomorrow.

The motion was agreed to; and at 7:20 p.m. the Senate adjourned until tomorrow, Tuesday, August 8, 1972, at 9 a.m.

Managers on the part of the House recommended the deletion of this clause. While similar language had been approved by the House in regard to services to be provided by the Congressional Research Service, House conferees pointed out that the Congressional Research Service provides services exclusively to the Congress while the functions of the General Accounting Office are much broader. Therefore, the inclusion of the additional authority with regard to the General Accounting Office might go beyond the intent of the Act. The Managers on the part of the Senate concurred with the House view.

SECTION 10

No change was made in this section. However, the conferees emphasize that the language in this Act amending the National Science Foundation Act of 1950, as amended, which is designed to stimulate liaison between the OTA and the National Science Foundation, is not intended to restrict the discretion of the National Science Foundation in deciding whether or not to support programs requested by either the OTA or other agencies.

SECTION 11

No change other than minor rephrasing aimed at clarification.

SECTION 12

The House bill provided authorization for the OTA not to exceed \$5 million in the aggregate for fiscal years 1973 and 1974. The Senate amendment followed this provision but provided for continuing authorization after that time. The Managers on the part of the House concurred in the Senate amendment.

House conferees considered that it would be unwise to require authorization each year for any entity within the Legislative Branch. It would do so could mean a considerable delay in moving the annual Legislative Appropriation Act through the Congress. The imposition of such a burden, which does not presently exist, on the appropriation process for the Legislative Branch, has therefore been deleted.

SECTION 13

The House bill contained no specific provision for an effective date. The Senate amendment added a new section which I have made the Act effective and the appointment of members of the Board of Management within 60 days of the final approval of it.

Managers on the part of the House disagreed with this section. Since it is anticipated that the passage of this Act will occur at the end of the 92nd Congress, deletion of this section provides for flexibility of timing in the appointment of Members to the Board by the Speaker of the House of Representatives and the President Pro Tempore of the Senate as provided in Section 4 of the Act. Managers on the part of the Senate concurred with the House position and this section was deleted.

GEORGE P. MILLER,
JOHN W. DAVIS,
EARLE CABELL,
CHARLES A. MOSHER,
MARVIN L. ESCH,

Managers on the Part of the House.

HOWARD W. CANNON,
ROBERT C. BYRD,

Managers on the Part of the Senate.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE CONFERENCE REPORT ON WATER POLLUTION CONTROL ACT AMENDMENTS

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the managers have until midnight Monday, September 25, 1972, to file the conference report on

S 2770, the Water Pollution Control Act Amendments of 1972.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE REPORT ON FEDERAL AID HIGHWAY ACT AMENDMENTS

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the Committee on Public Works have until midnight Monday, September 25, 1972, to file the report on H.R. 16656, the Federal-Aid Highway and Highway Safety Act Amendments of 1972.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PRO- OR ANTI-CONSERVATION?

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, I am today extending my remarks in the body of the Record in an effort to clarify the confusion created by Field and Stream magazine when a recent issue of that publication purported to catalog Congressmen as being proconservation or anticonservation. The ratings given Members by Field and Stream contain so many surprises that it has been the subject of much comment—little of it favorable—on Capitol Hill. The measures on which Field and Stream based its ratings are even more surprising. They comprise measures which have little association with conservation and left out most of those which are considered by Members of Congress to be key conservation measures. I trust that my comments may help to bring this situation into a truer perspective.

RELEASE OF AMERICAN PRISONERS OF WAR

(Mr. DRINAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DRINAN. Mr. Speaker, three American prisoners of war hopefully will be leaving Hanoi very shortly. These are the first three prisoners of war to be released in over 3 years. These gentlemen have made it known in writing to the President that they desire to return immediately to their families and not to be recommitted to military authorities. I think this request is a reasonable one and should be granted.

Apparently the U.S. military authorities desire to assume total custody of these individuals for an unspecified period of time.

Therefore, Mr. Speaker, I call upon the President, in a spirit of bipartisanship, not to interpose military pressures on these men as they are being released. I also call upon the Secretary of Defense not to reiterate his claims about

the alleged implications of the Geneva Convention concerning these prisoners of war. I request the Secretary to release these individuals through civilian channels.

These claims about the Geneva Convention are without merit as a matter of law, but more critically they will in all probability render it extremely difficult to have further efforts to release our prisoners of war from Hanoi.

SOVIET WHEAT DEAL

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, in yesterday's newspapers the American people got another glimpse of the "messy" Soviet wheat deal.

Four hundred million bushels of wheat were sold to the Soviets at about \$1.63 per bushel—most of which was purchased by exporters at \$1.25–\$1.35 per bushel—a handy profit of about 33 cents per bushel times 400 million, or \$132 million.

In addition, the exporters got an export subsidy of between 14 cents to 47 cents per bushel, averaging 31 cents per bushel the subsidy totals \$124 million.

The combined profit on this deal could reach \$256 million.

The grating insult occurs in the efforts of the exporters to qualify for treatment as DISC corporations and avoid income taxes on these fat profits.

This transaction and the manipulations which surround it are vivid evidence of the incredible degree of selfish influence on public decisions. Our task is to bring the details into the open—so that the taxpayers can estimate their cost.

COST OF FACELIFTING THE SPEAKER'S LOUNGE

(Mr. GROSS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GROSS. Mr. Speaker, when the fog lifted this morning and visibility became almost unlimited, lo and behold there were the cost figures for the facelifting that was recently given to the Speaker's lounge, otherwise known to some as the retiring room.

According to the Clerk's Office, the period furniture—what period is uncertain—cost \$65,750, the window draperies \$21,715, and the specially woven 75-by-9 rug, with its ankle deep tuft, cost \$31,650.

According to the Architect's Office, the crystal chandeliers cost another \$44,862 or a minimal grand total of \$163,977.

Mr. Speaker, this should effectively doom for the foreseeable future any further conversation in the House of Representatives about a limitation on spending.

APPOINTMENT OF CONFEREES ON S. 3507, DEVELOPMENT OF LAND AND WATER RESOURCES OF THE NATION'S COASTAL ZONES

Mr. LENNON. Mr. Speaker, I ask unanimous consent to take from the

Speaker's table the bill (S. 3507) to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? The Chair hears none, and appoints the following conferees: Messrs. GARNATZ, LENNON, DOWNING, MOSHER, and PELLY.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
September 22, 1972.

HON. CARL ALBERT,
The Speaker, House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 10:20 a.m. on Friday, September 22, 1972, and said to contain a message from the President transmitting to the Congress a proposal for participation by the United States Government in the 1974 International Exposition on Ecology and the Environment to be held in Spokane, Washington, in 1974.

With kind regards, I am,
Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.
By W. RAYMOND COLLEY.

PARTICIPATION BY THE U.S. GOVERNMENT IN THE 1974 INTERNATIONAL EXPOSITION ON ECOLOGY AND THE ENVIRONMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-358)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed, with illustrations:

To the Congress of the United States:

Pursuant to Section 3 of Public Law 91-269, I am herewith transmitting to the Congress a proposal for participation by the United States Government in the 1974 International Exposition on Ecology and the Environment to be held at Spokane, Washington. This proposal includes a plan prepared by the Secretary of Commerce in cooperation with other interested departments and agencies of the Federal Government, in accordance with Section 3(c) of the referenced law.

On October 15, 1971, I advised the Secretaries of State and Commerce that the Spokane exposition warranted Federal recognition in accordance with Section 2(a) of Public Law 91-269. On November 24, 1971, upon request of the United States, the Bureau of International Expositions in Paris, by unanimous vote, officially recognized the event as a Special Category exposition.

I have determined that Federal participation in this exposition is in the national interest and I fully support the Secretary's plan for such participation. In essence, this plan calls for the construction of a Federal pavilion. The pavilion has been conceived and developed with a view to maximizing residual use benefits to the Federal Government at the conclusion of the exposition.

Congressional authorization is required as a prerequisite to United States participation in a Federally recognized domestic-international exposition. Legislation is also required in order to establish the other authorities necessary to effect the proposed participation, as well as to authorize appropriations. The appropriations necessary to carry out this plan are estimated at \$11.5 million.

I urge that the appropriate legislation, which I am transmitting herewith, be given prompt and favorable consideration by the Congress.

RICHARD NIXON.

THE WHITE HOUSE.

PROVIDING FOR CONSIDERATION OF H.R. 16754, MILITARY CONSTRUCTION APPROPRIATIONS, 1973

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 1132, Rept. No. 92-1437), which was referred to the House calendar and ordered to be printed:

H. RES. 1132

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 6 of Rule XXI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16754) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes, and all points of order against said bill are hereby waived.

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1132 and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER. The question is, Will the House now consider House Resolution 1132?

The question was taken; and—two-thirds having voted in favor thereof—the House agreed to consider House Resolution 1132.

The SPEAKER. The gentleman from Mississippi (Mr. COLMER) is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield the customary 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, this is a simple resolution and I shall treat it as such.

The resolution makes in order the consideration of the military construction bill, H.R. 16754.

The rule would provide for the waiving of points of order, and particularly of the 3-day rule because of the lack of authorization.

The bill was passed by the House some time ago and was passed by the Senate subsequently and is now in conference.

This rule simply makes in order the consideration of that bill, clause 6, rule XXI to the contrary notwithstanding and waives points of order against the bill because of lack of authorization.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from California (Mr. SMITH) is recognized.

(Mr. SMITH of California asked and was given permission to revise and extend his remarks.)

Mr. SMITH of California. Mr. Speaker, once again the Committee on Rules is attempting to help the House expedite its work with the hope that we will finish up and be able to adjourn in the not too distant future.

This rule, House Resolution 1132, waives the 3-day rule which is clause 6 rule XXI, and also waives all points of order because, as stated by the gentleman from Mississippi, the authorization is not final. Both bodies have passed the bill, but it is still in conference.

It is my understanding from the testimony before the Committee on Rules this morning that the conferees have agreed on all items with the possible exception of one which is the Trident submarine.

I am also informed that there is no money in this bill over and above anything authorized and the Trident matter is not in it.

The only other matters that are in it are those that passed the House and Senate and are in agreement in the conference report which should reach us very shortly.

Mr. Speaker, I urge the adoption of House Resolution 1132 so that we may proceed with consideration of House Resolution 16754, the military construction bill.

COMMITTEE ON RULES—PERMISSION TO FILE REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask my distinguished colleague, the gentleman from Mississippi, what the Committee on Rules might contemplate filing by midnight tonight? Does this include that which the Committee on Rules has acted, or plans to act on during this remaining day of their terminal activity, as announced by the gentleman?

Mr. COLMER. If I understood the first part of the gentleman's question which is—what bills we propose to file during the day? In response to that, the bills are: H.R. 16645, the so-called Eisenhower Memorial Bicentennial Center Civic Center, H.R. 1121—the Gateway National Seashore in the States of New York and New Jersey and House Joint Resolution 1227—the SALT agreement with the Senate amendments to be considered

act homestead near Mayport, Pa., where they purchased the land in 1892 for the exorbitant price of \$1.50 an acre. Seven children were born to the couple, six of whom survive and reside in the vicinity of the family farm.

I know the union of Mr. and Mrs. Martz is the oldest in Pennsylvania, and I challenge any one of my colleagues to disprove the fact that it is the oldest in the United States.

I know everyone joins me in extending hearty congratulations to Mr. and Mrs. Martz, and in wishing them many more years of happiness.

CONFERENCE REPORT—COASTAL ZONE MANAGEMENT ACT OF 1972

Mr. GARMATZ submitted the following conference report and statement on the bill (S. 3507) to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 92-1544)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3507), to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That the Act entitled "An Act to provide for a comprehensive, long-range, and coordinated national program in marine science, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering and Resources, and for other purposes", approved June 17, 1966 (80 Stat. 203), as amended (33 U.S.C. 1101-1124), is further amended by adding at the end thereof the following new title:

TITLE III—MANAGEMENT OF THE COASTAL ZONE

SHORT TITLE

SEC. 301. This title may be cited as the "Coastal Zone Management Act of 1972".

CONGRESSIONAL FINDINGS

SEC. 302. The Congress finds that—

(a) There is a national interest in the effective management, beneficial use, protection, and development of the coastal zone;

(b) The coastal zone is rich in a variety of natural, commercial, recreational, industrial, and esthetic resources of immediate and potential value to the present and future well-being of the Nation;

(c) The increasing and competing demands upon the lands and waters of our coastal zone occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources, have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing

open space for public use, and shoreline erosion;

(d) The coastal zone, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destruction by man's alterations;

(e) Important ecological, cultural, historic, and esthetic values in the coastal zone which are essential to the well-being of all citizens are being irretrievably damaged or lost;

(f) Special natural and scenic characteristics are being damaged by ill-planned development that threatens these values;

(g) In light of competing demands and the urgent need to protect and to give high priority to natural systems in the coastal zone, present state and local institutional arrangements for planning and regulating land and water uses in such areas are inadequate; and

(h) The key to more effective protection and use of the land and water resources of the coastal zone is to encourage the states to exercise their full authority over the lands and waters in the coastal zone by assisting the states, in cooperation with Federal and local governments and other vitally affected interests, in developing and land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.

DECLARATION OF POLICY

SEC. 303. The Congress finds and declares that it is the national policy (a) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations, (b) to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development, (c) for all Federal agencies engaged in programs affecting the coastal zone to cooperate and participate with state and local governments and regional agencies in effectuating the purposes of this title, and (d) to encourage the participation of the public, of Federal, state, and local governments and of regional agencies in the development of coastal zone management programs. With respect to implementation of such management programs, it is the national policy to encourage cooperation among the various state and regional agencies including establishment of interstate and regional agreements, cooperative procedures, and joint action particularly regarding environmental problems.

DEFINITIONS

SEC. 304. For the purposes of this title—

(a) "Coastal zone" means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the outer limit of the United States territorial sea. The zone extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters. Excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents.

(b) "Coastal waters" means (1) in the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of

the Great Lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes and (2) in other areas, those waters, adjacent to the shorelines, which contain a measurable quantity or percentage of sea water, including, but not limited to, sounds, bays, lagoons, bayous, ponds, and estuaries.

(c) "Coastal state" means a state of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. For the purpose of this title, the term also includes Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(d) "Estuary" means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage. The term includes estuary-type areas of the Great Lakes.

(e) "Estuarine sanctuary" means a research area which may include any part or all of an estuary, adjoining transitional areas, and adjacent uplands, constituting to the extent feasible a natural unit, set aside to provide scientists and students the opportunity to examine over a period of time the ecological relationships within the area.

(f) "Secretary" means the Secretary of Commerce.

(g) "Management program" includes, but is not limited to, a comprehensive statement in words, maps, illustrations, or other media of communication, prepared and adopted by the state in accordance with the provisions of this title, setting forth objectives, policies, and standards to guide public and private uses of lands and waters in the coastal zone.

(h) "Water use" means activities which are conducted in or on the water; but does not mean or include the establishment of any water quality standard or criteria or the regulation of the discharge or runoff of water pollutants except the standards, criteria, or regulations which are incorporated in any program as required by the provisions of section 307(f).

(i) "Land use" means activities which are conducted in or on the shorelands within the coastal zone, subject to the requirements outlined in Sec. 307(g).

MANAGEMENT PROGRAM DEVELOPMENT GRANTS

SEC. 305. (a) The Secretary is authorized to make annual grants to any coastal state for the purpose of assisting in the development of a management program for the land and water resources of its coastal zone.

(b) Such management program shall include:

(1) an identification of the boundaries of the coastal zone subject to the management program;

(2) a definition of what shall constitute permissible land and water uses within the coastal zone which have a direct and significant impact on the coastal waters;

(3) an inventory and designation of areas of particular concern within the coastal zone;

(4) an identification of the means by which the state proposes to exert control over the land and water uses referred to in paragraph (2) of this subsection, including a listing of relevant constitutional provisions, legislative enactments, regulations, and judicial decisions;

(5) broad guidelines on priority of uses in particular areas, including specifically those uses of lowest priority;

(6) a description of the organizational structure proposed to implement the management program, including the responsibilities and interrelationships of local, area-wide, state, regional, and interstate agencies in the management process.

(c) The grants shall not exceed 66 2/3 percent of the costs of the program in any

one year and no state shall be eligible to receive more than three annual grants pursuant to this section. Federal funds received from other sources shall not be used to match such grants. In order to qualify for grants under this section, the state must reasonably demonstrate to the satisfaction of the Secretary that such grants will be used to develop a management program consistent with the requirements set forth in section 306 of this title. After making the initial grant to a coastal state, no subsequent grant shall be made under this section unless the Secretary finds that the state is satisfactorily developing such management program.

(d) Upon completion of the development of the state's management program, the state shall submit such program to the Secretary for review and approval pursuant to the provisions of section 306 of this title, or such other action as he deems necessary. On final approval of such program by the Secretary, the state's eligibility for further grants under this section shall terminate, and the state shall be eligible for grants under section 306 of this title.

(e) Grants under this section shall be allocated to the states based on rules and regulations promulgated by the Secretary: *Provided, however,* That no management program development grant under this section shall be made in excess of 10 per centum nor less than 1 per centum of the total amount appropriated to carry out the purposes of this section.

(f) Grants or portions thereof not obligated by a state during the fiscal year for which they were first authorized to be obligated by the state, or during the fiscal year immediately following, shall revert to the Secretary, and shall be added by him to the funds available for grants under this section.

(g) With the approval of the Secretary, the state may allocate to a local government, to an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, to a regional agency, or to an interstate agency, a portion of the grant under this section, for the purpose of carrying out the provisions of this section.

(h) The authority to make grants under this section shall expire on June 30, 1975.

ADMINISTRATIVE GRANTS

SEC. 306. (a) The Secretary is authorized to make annual grants to any coastal state for not more than 66⅔ per centum of the costs of administering the state's management program, if he approves such program in accordance with subsection (c) hereof. Federal funds received from other sources shall not be used to pay the state's share of costs.

(b) Such grants shall be allocated to the states with approved programs based on rules and regulations promulgated by the Secretary which shall take into account the extent and nature of the shoreline and area covered by the plan, population of the area, and other relevant factors: *Provided, however,* That no annual administrative grant under this section shall be made in excess of 10 per centum nor less than 1 per centum of the total amount appropriated to carry out the purposes of this section.

(c) Prior to granting approval of a management program submitted by a coastal state, the Secretary shall find that:

(1) The state has developed and adopted a management program for its coastal zone in accordance with rules and regulations promulgated by the Secretary, after notice, and with the opportunity of full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, public and private, which is adequate to carry out the purposes of this title and is consistent with the policy declared in section 303 of this title.

(2) The state has:

(A) coordinated its program with local, areawide, and interstate plans applicable to areas within the coastal zone existing on January 1 of the year in which the state's management program is submitted to the Secretary, which plans have been developed by a local government, an areawide agency designated pursuant to regulations established under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency; and

(B) established an effective mechanism for continuing consultation and coordination between the management agency designated pursuant to paragraph (5) of this subsection and with local governments, interstate agencies, regional agencies, and areawide agencies within the coastal zone to assure the full participation of such local governments and agencies in carrying out the purposes of this title.

(3) The state has held public hearings in the development of the management program.

(4) The management program and any changes thereto have been reviewed and approved by the Governor.

(5) The Governor of the state has designated a single agency to receive and administer the grants for implementing the management program required under paragraph (1) of this subsection.

(6) The state is organized to implement the management program required under paragraph (1) of this subsection.

(7) The state has the authorities necessary to implement the program, including the authority required under subsection (d) of this section.

(8) The management program provides for adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature.

(9) The management program makes provision for procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreational, ecological, or esthetic values.

(d) Prior to granting approval of the management program, the Secretary shall find that the state, acting through its chosen agency or agencies, including local governments, areawide agencies designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, regional agencies, or interstate agencies, has authority for the management of the coastal zone in accordance with the management program. Such authority shall include power—

(1) to administer land and water use regulations, control development in order to ensure compliance with the management program, and to resolve conflicts among competing uses; and

(2) to acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program.

(e) Prior to granting approval, the Secretary shall also find that the program provides:

(1) for any one or a combination of the following general techniques for control of land and water uses within the coastal zone;

(A) State establishment of criteria and standards for local implementation, subject to administrative review and enforcement of compliance;

(B) Direct state land and water use planning and regulation; or

(C) State administrative review for consistency with the management program of all development plans, projects, or land and water use regulations, including exceptions and variances thereto, proposed by any state or local authority or private developer, with

power to approve or disapprove after public notice and an opportunity for hearings.

(2) for a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit.

(f) With the approval of the Secretary, a state may allocate to a local government, an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency, a portion of the grant under this section for the purpose of carrying out the provisions of this section: *Provided,* That such allocation shall not relieve the state of the responsibility for ensuring that any funds so allocated are applied in furtherance of such state's approved management program.

(g) The state shall be authorized to amend the management program. The modification shall be in accordance with the procedures required under subsection (c) of this section. Any amendment or modification of the program must be approved by the Secretary before additional administrative grants are made to the state under the program as amended.

(h) At the discretion of the state and with the approval of the Secretary, a management program may be developed and adopted in segments so that immediate attention may be devoted to those areas within the coastal zone which most urgently need management programs: *Provided,* That the state adequately provides for the ultimate coordination of the various segments of the management program into a single unified program and that the unified program will be completed as soon as is reasonably practicable.

INTERAGENCY COORDINATION AND COOPERATION

SEC. 307. (a) In carrying out his functions and responsibilities under this title, the Secretary shall consult with, cooperate with, and, to the maximum extent practicable, coordinate his activities with other interested Federal agencies.

(b) The Secretary shall not approve the management program submitted by a state pursuant to section 306 unless the views of Federal agencies principally affected by such program have been adequately considered. In case of serious disagreement between any Federal agency and the state in the development of the program the Secretary, in cooperation with the Executive Office of the President, shall seek to mediate the differences.

(c) (1) Each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs.

(2) Any Federal agency which shall undertake any development project in the coastal zone of a state shall insure that the project is, to the maximum extent practicable, consistent with approved state management programs.

(3) After final approval by the Secretary of a state's management program, any applicant for a required Federal license or permit to conduct an activity affecting land or water uses in the coastal zone of that state shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the state's approved program and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to the state or its designated agency a copy of the certification, with all necessary information and data. Each coastal state shall establish procedures for public notice in the case of all such certifications and, to the extent it deems appropriate, procedures for public hearings in connection therewith. At the earliest practicable time, the state or its designated

agency shall notify the Federal agency concerned that the state concurs with or objects to the applicant's certification. If the state or its designated agency fails to furnish the required notification within six months after receipt of its copy of the applicant's certification, the state's concurrence with the certification shall be conclusively presumed. No license or permit shall be granted by the Federal agency until the state or its designated agency has concurred with the applicant's certification or until, by the state's failure to act, the concurrence is conclusively presumed, unless the Secretary, on his own initiative or upon appeal by the applicant, finds, after providing a reasonable opportunity for detailed comments from the Federal agency involved and from the state, that the activity is consistent with the objectives of this title or is otherwise necessary in the interest of national security.

(d) State and local governments submitting applications for Federal assistance under other Federal programs affecting the coastal zone shall indicate the views of the appropriate state or local agency as to the relationship of such activities to the approved management program for the coastal zone. Such applications shall be submitted and coordinated in accordance with the provisions of title IV of the Intergovernmental Coordination Act of 1968 (82 Stat. 1098). Federal agencies shall not approve proposed projects that are inconsistent with a coastal state's management program, except upon a finding by the Secretary that such project is consistent with the purposes of this title or necessary in the interest of national security.

(e) Nothing in this title shall be construed—

(1) to diminish either Federal or state jurisdiction, responsibility or rights in the field of planning, development, or control of water resources, submerged lands, or navigable waters; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more states or of two or more states and the Federal Government; nor to limit the authority of Congress to authorize and fund projects;

(2) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board, and the United States operating entity or entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission United States and Mexico.

(f) Notwithstanding any other provision of this title, nothing in this title shall in any way affect any requirement (1) established by the Federal Water Pollution Control Act, as amended, or the Clean Air Act, as amended, or (2) established by the Federal Government or by any State or local government pursuant to such Acts. Such requirements shall be incorporated in any program developed pursuant to this title and shall be the water pollution control and air pollution control requirements applicable to such program.

(g) When any state's coastal zone management program, submitted for approval or proposed for modification pursuant to section 306 of this title, includes requirements as to shorelands which also would be subject to any Federally supported national land use program which may be hereafter enacted, the Secretary, prior to approving such program, shall obtain the concurrence of the Secretary of the Interior, or such other Fed-

eral official as may be designated to administer the national land use program, with respect to that portion of the coastal zone management program affecting such inland areas.

PUBLIC HEARINGS

SEC. 308. All public hearings required under this title must be announced at least thirty days prior to the hearing date. At the time of the announcement, all agency materials pertinent to the hearings, including documents, studies, and other data, must be made available to the public for review and study. As similar materials are subsequently developed, they shall be made available to the public as they become available to the agency.

REVIEW OF PERFORMANCE

SEC. 309. (a) The Secretary shall conduct a continuing review of the management programs of the coastal states and of the performance of each state.

(b) The Secretary shall have the authority to terminate any financial assistance extended under section 306 and to withdraw any unexpended portion of such assistance if (1) he determines that the state is failing to adhere to and is not justified in deviating from the program approved by the Secretary; and (2) the state has been given notice of the proposed termination and withdrawal and given an opportunity to present evidence of adherence or justification for altering its program.

RECORDS

SEC. 310. (a) Each recipient of a grant under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of the funds received under the grant, the total cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of the grant that are pertinent to the determination that funds granted are used in accordance with this title.

ADVISORY COMMITTEE

SEC. 311. (a) The Secretary is authorized and directed to establish a Coastal Zone Management Advisory Committee to advise, consult with, and make recommendations to the Secretary on matters of policy concerning the coastal zone. Such committee shall be composed of not more than fifteen persons designated by the Secretary and shall perform such functions and operate in such a manner as the Secretary may direct. The Secretary shall insure that the committee membership as a group possesses a broad range of experience and knowledge relating to problems involving management, use, conservation, protection, and development of coastal zone resources.

(b) Members of the committee who are not regular full-time employees of the United States, while serving on the business of the committee, including traveltime, may receive compensation at rates not exceeding \$100 per diem; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

ESTUARINE SANCTUARIES

SEC. 312. The Secretary, in accordance with rules and regulations promulgated by him, is authorized to make available to a coastal

state grants of up to 50 per centum of the costs of acquisition, development, and operation of estuarine sanctuaries for the purpose of creating natural field laboratories to gather data and make studies of the natural and human processes occurring within the estuaries of the coastal zone. The Federal share of the cost for each such sanctuary shall not exceed \$2,000,000. No Federal funds received pursuant to section 305 or section 306 shall be used for the purpose of this section.

ANNUAL REPORT

SEC. 313. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress not later than November 1 of each year a report on the administration of this title for the preceding fiscal year. The report shall include but not be restricted to (1) an identification of the state programs approved pursuant to this title during the preceding Federal fiscal year and a description of those programs; (2) a listing of the states participating in the provisions of this title and a description of the status of each state's programs and its accomplishments during the preceding Federal fiscal year; (3) an itemization of the allocation of funds to the various coastal states and a breakdown of the major projects and areas on which these funds were expended; (4) an identification of any state programs which have been reviewed and disapproved or with respect to which grants have been terminated under this title, and a statement of the reasons for such action; (5) a listing of all activities and projects which, pursuant to the provisions of subsection (c) or subsection (d) of section 307, are not consistent with an applicable approved state management program; (6) a summary of the regulations issued by the Secretary or in effect during the preceding Federal fiscal year; (7) a summary of a coordinated national strategy and program for the Nation's coastal zone including identification and discussion of Federal, regional, state, and local responsibilities and functions therein; (8) a summary of outstanding problems arising in the administration of this title in order of priority; and (9) such other information as may be appropriate.

(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Secretary deems necessary to achieve the objectives of this title and enhance its effective operation.

RULES AND REGULATIONS

SEC. 314. The Secretary shall develop and promulgate, pursuant to section 553 of title 5, United States Code, after notice and opportunity for full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the provisions of this title.

AUTHORIZATION OF APPROPRIATIONS

SEC. 315. (a) There are authorized to be appropriated—

(1) the sum of \$9,000,000 for the fiscal year ending June 30, 1973, and for each of the fiscal years 1974 through 1977 for grants under section 305, to remain available until expended;

(2) such sums, not to exceed \$30,000,000, for the fiscal year ending June 30, 1974, and for each of the fiscal years 1975 through 1977, as may be necessary, for grants under section 306 to remain available until expended; and

(3) such sums, not to exceed \$6,000,000 for the fiscal year ending June 30, 1974, as may be necessary, for grants under section 312, to remain available until expended.

(b) There are also authorized to be appropriated such sums, not to exceed \$3,000,000, for fiscal year 1973 and for each of the four succeeding fiscal years, as may be necessary

for administrative expenses incident to the administration of this title.

And the House agree to the same.

EDWARD A. GARMATZ,
ALTON LENNON,
THOMAS N. DOWNING,
CHARLES A. MOSHER,
THOMAS M. PELLY,

Managers on the Part of the House.

WARREN G. MAGNUSON,
ERNEST F. HOLLINGS,
TED STEVENS,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE
COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3507), to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House struck out all of the Senate bill after the enacting clause and inserted a substitute amendment. The Committee of Conference has agreed to a substitute for both the Senate bill and the House amendment. Except for technical, clarifying, and conforming changes, the following statement explains, as appropriate, the differences between the Senate bill, and the House amendment thereto, together with an explanation of the conference substitute.

PROVISIONS OF THE CONFERENCE SUBSTITUTE

Section 304. The Managers agreed to adopt the House language as to the seaward extent of the coastal zone, because of its clarity and brevity. At the same time, it should be made clear that the provisions of this definition are not in any way intended to affect the litigation now pending between the United States and the Atlantic coastal states as to the extent of state jurisdiction. Nor does the seaward limit of the coastal zone in any way change the state or Federal interests in resources of the territorial waters or Continental Shelf, as provided for in the Submerged Lands Act and the Outer Continental Shelf Lands Act. The Conferees also adopted the Senate language in this section which made it clear that Federal lands are not included within a state's coastal zone. As to the use of such lands which would affect a state's coastal zone, the provisions of section 307(c) would apply.

The Conferees adopted the Senate definition of "Secretary" to mean the Secretary of Commerce. As the bill was passed by the Senate, and as a companion bill was reported to the House, it was provided that the administration of the Coastal Zone Management Act should be the responsibility of the Secretary of Commerce, and it was expected that actual administration would be delegated to the Administrator of the National Oceanic and Atmospheric Administration. The rationale behind this decision, as discussed in both Senate Report 92-753 and House Report 92-1049, was based in large part on NOAA's capability to assist State and local governments in the technical aspects of coastal problems since it houses such entities as the National Ocean Survey, Environmental Data Service, Environmental Research Laboratories and Office of Sea Grant, among others.

When the House bill was considered on the Floor, however, an amendment was proposed and adopted which would place the responsibility for administration from the Secretary of Commerce with the Secretary of the Interior. The argument in support of this change addressed itself to the fact that the Coastal Zone Management Act involved land

use decisions and since pending land use legislation in both Houses gave the administrative responsibility to the Secretary of the Interior, that official should also administer the Coastal Zone Management Act so that the land use aspects of the coastal zone legislation and the national land use legislation could be readily coordinated and not result in conflict between the two programs.

The Conferees adopted a final approach which acknowledges the validity of many of the arguments advanced to justify the placement of responsibility in the Department of Interior rather than the Department of Commerce. First, the definition of what land areas shall be included in the "coastal zone" has been limited to those lands which have a direct and significant impact upon coastal water. Secondly, those lands traditionally managed by the Department of Interior or the Department of Defense, such as parks, wildlife refuges, military reservations, and other such areas covered by existing legislation, were specifically excluded from the coverage of the bill. Thirdly, it is provided that upon enactment and implementation of national land use legislation, the Secretary of Commerce shall coordinate with and obtain the concurrence of the Federal official charged with managing the national land use program.

Until such time as a state begins its participation in any national land use program, the question of this required concurrence will not of course arise. The Conferees expect that the concurrence procedure will take place after Federally supported land use programs become effective, and would take place when the coastal zone program is submitted for original approval under title 306 or where a modification is proposed. It is also expected that where a coastal zone program already exists in a state when the state Federally supported land use program is proposed, that necessary changes in the coastal zone program consistent with the concept of land use responsibility, as outlined in section 307(g) would be accomplished. The Conferees also agreed to include definitions for "management program", for "water use", keyed to the requirements of section 307(f) and "land use", keyed to the requirements of section 307(g).

Therefore, what the Conferees agreed upon was basically a water-related coastal zone program administered by the Secretary of Commerce with required full coordination with and concurrence of the Secretary of the Interior. This compromise recognizes the need for making coastal zone management fully compatible with national land use policy, while making use of the special technical competence of the National Oceanic and Atmospheric Administration in the Department of Commerce in managing the nation's coastal areas.

Sec. 305. The Conferees adopted the Senate approach of providing for a maximum for any one state of ten percentum of the total amount appropriated for development grants, and likewise for a minimum of one percentum for any single state. It goes without saying that this minimum percentum applies only when the state elects to participate under the program. The Conferees also agreed to extend the program through June 30, 1977, in view of the fact that the initial actions under the program may be slow in some states due to the necessity for changing state laws in order that the state may be eligible under the title.

The Conferees agreed not to include a provision which would authorize direct grants to political subdivisions of states pending the adoption of a statewide program, concluding that individual situations which were alluded to, such as the Anchorage plan in the State of Alaska and bi-county plans in the State of New York, can be taken care of by the provisions of section 306(h). The Conferees also agreed to exclude a similar provision which

had been contained in the Senate version of section 306.

Sec. 306. The Conferees accepted the Senate maximum and minimum percentages for state administrative grants similar to those for development grants in section 305. In addition, the Conferees accepted the two additional items required by the House in state management programs, the first as to adequate consideration for the national interests involved in the siting of facilities representing regional or national requirements, and the second relating to inclusion of procedures whereby specific areas may be set aside for certain listed purposes, in each case endorsing the rationale for those inclusions as contained in House Report 92-1049.

Sec. 307. In the language adopted for Interagency Coordination and Cooperation, the Conferees agreed that the Secretary must coordinate his activities under this title with all other interested Federal agencies and may not approve state programs until the views of those agencies have been considered. They also agreed that as to Federal agencies involved in any activities directly affecting the state coastal zone and any Federal participation in development projects in the coastal zone, the Federal agencies must make certain that their activities are to the maximum extent practicable consistent with approved state management programs. In addition, similar consideration of state management programs must be given in the process of issuing Federal licenses or permits for activities affecting state coastal zones. The Conferees also adopted language which would make certain that there is no intent in this legislation to change Federal or state jurisdiction or rights in specified fields, including submerged lands.

The Conferees adopted the Senate provisions making it clear that water and air pollution control requirements established by Federal Water Pollution Control Act, as amended, or the Clean Air Act, as amended, shall be included as a part of the state coastal zone program. Finally, the Conferees adopted language making it clear that the Secretary of the Interior or such other Secretary or Federal official as may be designated in national land use legislation, must concur in any state coastal zone program requirements relating to land use, before those requirements may be approved by the Secretary.

Sec. 312. The Conferees agreed to delete the provisions of the House version relating to extension of estuarine sanctuaries, in view of the fact that the need for such provisions appears to be rather remote and could cause problems since they would extend beyond the territorial limits of the United States. The Conferees retained the authority to establish estuarine sanctuaries within state waters.

Sec. 313. In the provisions for an annual report, the Conferees included the requirement, among others, that the Congress be notified specifically as to Federal activities or projects which are not consistent with an approved state management program thereby enabling the Congress to take corrective measures as it deems appropriate.

Sec. 315. The Conferees agreed to compromise the appropriation authorization provisions, by including a provision for \$9,000,000 each year for a period of five years for development grants, a provision for necessary sums; not to exceed \$30,000,000 for each of four fiscal years beginning with fiscal year 1974 for administrative grants, and a provision for necessary sums not to exceed \$6,000,000 for the single year of fiscal year 1974. In addition, Conferees agreed to authorize necessary sums not to exceed \$3,000,000 per year for five years for administrative expenses.

MATTERS EXCLUDED IN CONFERENCE
PROVISIONS

In addition to deleting the Senate provisions relating to direct grants to certain po-

litical subdivisions of states, discussed earlier as to section 305, the Conferees also deleted the Senate provisions (in section 311 of the Senate version) establishing a National Coastal Resources Board. The Conferees concluded that such a Board was cumbersome, expensive and unnecessary. The Conferees also excluded the House provisions (in section 313 of the House version) authorizing a Federal management program for the contiguous zone of the United States, because the provisions relating thereto did not pre- tion 316 of the House version, as no longer necessary.

tion 313 of the House version) authorizing a Federal management program for the contiguous zone of the United States, because the provisions relating thereto did not pre- tion 316 of the House version, as no longer necessary.

EDWARD A. GARMATZ,
ALTON LENNON,
THOMAS N. DOWNING,
CHARLES A. MOSHER,
THOMAS M. PELLY,

Managers on the Part of the House.

WARREN G. MAGNUSON,
ERNEST F. HOLLINGS,
TED STEVENS,

Managers on the Part of the Senate.

DISPENSING WITH CALENDAR WED- NESDAY BUSINESS ON WEDNES- DAY NEXT

Mr. McFALL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday of next week.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ing to compromise the differences between the two bills.

The conference report we submit for your consideration today is a report I, as one conferee, believe is a measure every segment of our economy and every Government agency can live with. No individual, no organization, no Government agency was able to have everything written into the bill that may have appeared desirable but the report we ask you to approve is an excellent one. This is attested to by the fact that all conferees signed the report.

Mr. HANNA. Mr. Speaker, the conferees on H.R. 10722, the "Federal Environmental Pesticide Control Act of 1972," are to be commended for resolving their differences and bringing us this most important public production legislation. I am pleased that the House conferees yielded on the Senate provisions defining "plant regulator" so as to exclude nontoxic vitamin-hormone products not intended for pest destruction from the definition. This is consistent with the language in the House Committee report, page 15, on the measure, concerning *Ascophyllum Nodosum*, the Norwegian variety of seaweed. This product is nontoxic and nonpoisonous and in every respect clearly falls within the exclusion. Dr. T. L. Senn, head of the Department of Horticulture at Clemson University, Clemson, S.C., a distinguished scientist who has done extensive research on *Ascophyllum Nodosum* has stated in a communication dated September 28, 1972:

As we have published many times and as voluminous literature reveals, seaweed-*Ascophyllum Nodosum*—is certainly non-toxic. Research in the United States and abroad has definitely established that vitamins and hormones are contained in *Ascophyllum Nodosum* and various other seaweeds. It is my firm belief that the material does not destroy pests such as insects and therefore is not intended for pest destruction. The beneficial effects of seaweed extracts are obtained through biological activity as exhibited by certain vitamins, hormones and various nutritional elements only required by the plant in a small amount. These above mentioned facts are well established in the literature.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER. The question is on the conference report.

TELLER VOTE WITH CLERKS

Mr. YATES. Mr. Speaker, I demand tellers.

Tellers were ordered.

Mr. YATES. Mr. Speaker, I demand tellers with clerks.

Tellers with clerks were ordered; and the Speaker appointed as tellers Messrs. POAGE, SEIBERLING, YATES, and KYL.

The question was taken; and there were—ayes 198, noes 99, not voting 134, as follows:

[Roll No. 437]

[Recorded Teller Vote]

AYES—198

| | | |
|---------------|----------|--------------|
| Abbitt | Baker | Bray |
| Alexander | Belcher | Breaux |
| Andrews, Ala. | Bennett | Brinkley |
| Andrews, | Bergland | Brooks |
| N. Dak. | Beverly | Broomfield |
| Arends | Blester | Brotzman |
| Aspin | Blatnik | Brown, Mich. |
| Aspinall | Brademas | Brown, Ohio |

| | | |
|-----------------|-----------------|----------------|
| Broyhill, N.C. | Hollifield | Rallsback |
| Burleson, Tex. | Hosmer | Randall |
| Burleson, Mo. | Hunt | Rarick |
| Byron | Hutchinson | Reuss |
| Camp | Ichord | Rhodes |
| Carlson | Jacobs | Roberts |
| Carter | Jarman | Robinson, Va. |
| Cassey, Tex. | Johnson, Calif. | Rogers |
| Cederberg | Johnson, Pa. | Rooney, Pa. |
| Clausen | Jones, Ala. | Roush |
| Don H. | Jones, N.C. | Rousselot |
| Clawson, Del. | Jones, Tenn. | Roy |
| Cleveland | Kastenmeier | Runnels |
| Collier | Kazen | Ruppe |
| Collins, Tex. | Keating | Ruth |
| Conover | Keith | Sandman |
| Daniel, Va. | Kemp | Satterfield |
| Davis, Ga. | Kyl | Scherle |
| Davis, Wis. | Landgrebe | Schneebell |
| de la Garza | Letta | Schwengel |
| Deffenback | Leggett | Sebelius |
| Dennis | Lennon | Shipley |
| Derwinski | Lent | Shoup |
| Dickinson | Lujan | Shriver |
| Dorn | McClory | Sikes |
| Downing | McCloskey | Slack |
| Dulski | McCollister | Smith, Iowa |
| Duncan | McCormack | Spence |
| Eckhardt | McCulloch | Stanton |
| Edwards, Ala. | McEwen | J. William |
| Erlenborn | McFall | Steele |
| Fascell | McKay | Steiger, Wis. |
| Findley | McKevitt | Stephens |
| Fisher | Mahon | Stratton |
| Flood | Mailliard | Stubblefield |
| Flowers | Mallory | Talcott |
| Flynn | Mann | Teague, Calif. |
| Forsythe | Mathias, Calif. | Terry |
| Fontana | Mayne | Thomson, Wis. |
| Fountain | Meeds | Thone |
| Frenzel | Melcher | Veysey |
| Frey | Michel | Waggonner |
| Gibbons | Mohr, Ohio | Wampler |
| Goldwater | Minn | Ware |
| Gonzalez | Mizell | Whalley |
| Goodling | Mollohan | White |
| Grover | Mosher | Whitten |
| Gubser | Myers | Wiggins |
| Hagan | Natcher | Wilson, Bob |
| Hamilton | Nelsen | Winn |
| Hammer | Obey | Wright |
| schmidt | O'Konski | Wyatt |
| Hansen, Idaho | Passman | Wylie |
| Harsha | Pettis | Wyman |
| Hastings | Pickle | Young, Fla. |
| Hays | Poage | Young, Tex. |
| Hechler, W. Va. | Powell | Zion |
| Heckler, Mass. | Preyer, N.C. | Zwach |
| Henderson | Quie | |
| Hillis | Quillen | |
| Hogan | | |

NOES—99

| | | |
|-----------------|--------------|---------------|
| Abzug | Grasso | Perkins |
| Adams | Green, Pa. | Pike |
| Addabbo | Griffin | Podell |
| Anderson, | Griffiths | Price, Ill. |
| Calif. | Gude | Rangel |
| Ashley | Hall | Rees |
| Begich | Harrington | Riegler |
| Boggs | Hathaway | Robison, N.Y. |
| Boland | Heislowski | Rodino |
| Bolling | Hicks, Mass. | Roe |
| Buchanan | Hicks, Wash. | Rostenkowski |
| Burke, Mass. | Horton | Roybal |
| Burton | Hull | St. Germain |
| Carney | Karth | Sarbanes |
| Chamberlain | Kluczynski | Saylor |
| Collins, Ill. | Koch | Scheuer |
| Conable | Kyros | Seiberling |
| Coste | Long, Md. | Stanton |
| Cotters | McDade | James V. |
| Cottler | McKinney | Stokes |
| Coughlin | Madden | Stuckey |
| Culver | Mathis, Ga. | Taylor |
| Daniels, N.J. | Mazzoli | Tiernan |
| Danielson | Metcalfe | Van Deerlin |
| Dellums | Nikva | Vanik |
| Dent | Minshall | Vigorito |
| Dingell | Minshall | Waldie |
| Drinan | Moorhead | Whalen |
| Edwards, Calif. | Morgan | Wilson |
| Foley | Moss | Charles H. |
| Ford | Murphy, Ill. | Wolff |
| William D. | Nedzi | Yates |
| Fraser | O'Neill | Zablocki |
| Fulton | Patten | |
| Gaydos | Pepper | |

NOT VOTING—134

| | | |
|----------------|----------|-----------|
| Abernethy | Archer | Betts |
| Abourezk | Ashbrook | Biaggi |
| Anderson, Ill. | Badillo | Bingham |
| Anderson, | Baring | Blackburn |
| Tenn. | Barrett | Blanton |
| Annunzio | Bell | Bow |

| | | |
|-----------------|----------------|----------------|
| Brasco | Garmatz | Nichols |
| Broyhill, Va. | Gettys | Nix |
| Burke, Fla. | Gialimo | O'Hara |
| Byrne, Pa. | Gray | Patman |
| Byrnes, Wis. | Green, Oreg. | Pelly |
| Cabell | Gross | Peyser |
| Caffery | Haley | Pirnie |
| Carey, N.Y. | Halpern | Price, Tex. |
| Celler | Hanley | Pryor, Ark. |
| Chappell | Hanna | Pucinski |
| Christholm | Hansen, Wash. | Purcell |
| Ciancy | Harvey | Reid |
| Clark | Hawkins | Roncallo |
| Clay | Hébert | Rooney, N.Y. |
| Colmer | Heinz | Rosenthal |
| Corman | Howard | Schmitz |
| Crane | Hungate | Scott |
| Curlin | Jonas | Sisk |
| Davis, S.C. | Kee | Skubitz |
| Deaney | King | Smith, Calif. |
| Denholm | Kuykendall | Smith, N.Y. |
| Devine | Landrum | Snyder |
| Diggs | Link | Springer |
| Donohue | Lloyd | Staggers |
| Dow | Long, La. | Steed |
| Dowdy | McClure | Steiger, Ariz. |
| du Pont | McDonald | Sullivan |
| Dwyer | Mich. | Syrington |
| Edmondson | McMillan | Teague, Tex. |
| Ellberg | Macdonald | Thompson, Ga. |
| Esch | Mass. | Thompson, N.J. |
| Eshleman | Martin | Udall |
| Evans, Colo. | Matanaga | Ullman |
| Evins, Tenn. | Miller, Calif. | Vander Jagt |
| Fish | Mills, Ark. | Whitehurst |
| Ford, Gerald R. | Mills, Md. | Widnall |
| Frelinghuysen | Mitchell | Williams |
| Fuqua | Monagan | Wyder |
| Gallagher | Montgomery | Yatron |
| | Murphy, N.Y. | |

So the conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. POAGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON S. 3507, COASTAL ZONE MANAGEMENT ACT OF 1972

Mr. DOWNING. Mr. Speaker, I call up the conference report on the bill (S. 3507) to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes, and ask unanimous consent that the statement of the Managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 5, 1972.)

Mr. DOWNING (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. DOWNING. Mr. Speaker, the conferees on S. 3507, the Coastal Zone Management Act of 1972, have met and resolved the differences between the House and Senate versions of the bill.

As Members of the House will recall, S. 3507 passed the House, amended, in lieu of H.R. 14146, on August 2, 1972. The House action on that date was the result of several years of study, consideration, consultation, and refinement of language. The decision to enact coastal zone legislation was the fruition of recommendations of the Marine Science Council, Marine Science Commission, the National Estuarine Study, and the Coastal Zone Management Conference. Each of the groups considering the problem pointed to the urgent need for action if this Nation is to preserve its invaluable, but rapidly diminishing coastal wetlands and marshes. We are at the final stage of at least beginning to solve that problem.

I should like to briefly outline the actions of the conferees. There were three major areas of differences between the House and Senate versions. The one causing the most difficulty involved the agency responsibility for administration of the act, and I will discuss that more fully later. The second involved a provision of the Senate version which established a National Coastal Resources Board consisting of departmental secretaries to serve as a mediation board. The conferees deleted that provision as unnecessary and cumbersome. The third difference involved a House provision which provided for the authority for a Federal Government in the contiguous zone outside State waters. The conferees deleted this provision because the provisions were vague and adequate standards and criteria were not provided. One additional provision, contained in the Senate version, was deleted as nongermane, which provided for a study of Atlantic Continental Shelf exploratory activities. Finally, the two versions differed on the amount of appropriation authorizations, and the conferees compromised between the two versions.

And now let me return to the question of jurisdiction. Not only were the Senate conferees adamant on this issue, but there is not sufficient time to attempt the task of persuading them to change their positions. When H.R. 14146 was considered in the House, it, like the Senate-passed S. 3507, provided that the program would be administered by the Secretary of Commerce, the reports of both Houses making it clear that the National Oceanic and Atmospheric Administration was the agency best qualified to manage the program, because in that Administration lies the concentration of expertise related to the coastal waters and their associated wetlands. On the floor of the House, an amendment was proposed and adopted which shifted the responsibility from NOAA to the Secretary of the Interior, on the theory that the Coastal Zone Management Act is nothing more than a land use bill and

therefore should be administered by the same department which the Administration had proposed for the administration of the National Land Use Policy Act. I cannot agree with this analysis, because it is too simplistic. Nevertheless, as a conferee, I upheld the House position when the conferees faced this problem. The Senate insisted upon the Secretary of Commerce as the administering agency. The House vote on the amendment referred to was approximately 2 to 1. The Senate vote on the passage of its bill was unanimous. The conferees faced an impasse of no bill at all, unless a compromise could be reached. We reached that compromise. The conference report leaves the administration of the program in the Secretary of Commerce, that is the National Oceanic and Atmospheric Administration and provides that any land-use elements contained in a State program under the act must first receive the concurrence of the Secretary of the Interior or other official that may have land use responsibility, before those elements may be approved by NOAA. Mr. Speaker, I consider that that is a fair, reasonable, and honorable compromise. It does not do violence to the House position, but rather protects the basis upon which that position was reached.

I urge you to vote in support of the conference report.

Mr. MOSHER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I very strongly urge support for this conference report.

I want to express my personal and complete agreement to the compromise arrangement that the gentleman from Virginia (Mr. Downing) just mentioned whereby early in the next session of Congress, on a priority basis, there will be held joint sessions of the Committee on Merchant Marine and Fisheries and the Committee on Interior and Insular Affairs on this subject.

My colleagues from the Committee on Merchant Marine and Fisheries on the other side of the aisle have stated well the contents and rationale embodied in this final compromise version of the coastal zone management bill.

To put it bluntly, failure to approve this very important environmental legislation today would result in the further degradation of the Nation's coastal waters and its fast decreasing shoreline. Responsible officials of practically every coastal State in the Nation are in strong support of the principles and concepts embodied in this conference report.

The States have asked Congress to provide them with the appropriate guidance, assistance, and direction in attempting to correct the planning mistakes of the past and to insure that future decisions affecting the conversation, development, growth, and utilization of our coastal zone waters and land are rational and represent a proper balance between various competing uses of this natural resource. Our bill will very effectively meet that need.

I fully recognize that some few of our

colleagues are very unhappy today because our conference report places the prime responsibility for coastal zone management in NOAA, the National Oceanic and Atmospheric Administration, rather than in the Interior Department as voted here in the amended House bill.

On the basis of that unhappiness, I understand that the gentlemen from Iowa (Mr. KVL) did plan to offer here today a motion to recommit. But I now also understand that the gentleman from Iowa and the leadership of our Merchant Marine Committee have reached an agreement here on the floor today, an agreement that there shall be joint public hearings of the Merchant Marine Committee and the Interior Committee on a priority basis early in the 93d Congress. On the basis of that agreement, Mr. KVL will not make his motion today to recommit, he tells me. Certainly I personally commit myself to that agreement. Such joint hearings will be very welcome and I believe valuable.

The House conferees sought to preserve the previous position of this body, in vesting authority in the Department of the Interior, during the Senate/House conference on this matter. But that position simply could not be maintained, if Congress was to be in a position to enact far-reaching and needed coastal zone management legislation prior to adjournment.

We were successful in insuring that the Department of the Interior would play a major, if not controlling, role in coastal zone management planning, by vesting the Department of the Interior with authority to require changes in a State coastal zone management plan affecting land use, if and when an overall land use program becomes law and that agency is the responsible administrative office.

During this interim period, the Secretary of Commerce is required to consult with all affected Federal agencies, which includes the Departments of the Interior, Housing and Urban Development and others, prior to final approval of any State's coastal zone management plan and subsequent changes thereof.

Mr. Speaker, the compromise between the House and Senate bills is logical, sane, and takes care of the concerns of all interested parties, both public and private, in regard to the bill's final provisions.

The only point on which the House conferees were not able to obtain total acceptance from the other body was on the issue of agency jurisdiction.

I urgently submit that it is far more important right now, today, to enact comprehensive and landmark legislation—the first in the history of the United States—providing for a framework of State land and water use planning in the coastal zone—rather than defeat the bill from the standpoint of agency jurisdiction—particularly in light of the role which the conferees have given to both of the principal agencies concerned.

One more point needs to be brought to your attention. The final version in no way affects the jurisdictional responsibilities of the Environmental Protection Agency, any other Federal agency, or the Department of the Interior in regard to the administration of Federal lands, since the conferees have specifically eliminated those land areas from the definition of coastal zone.

We have a very important decision to make today. To enact landmark legislation supported by the general public in all parts of the country, supported by almost every environmental organization in existence, supported by the Governors of the respective States, supported by local and State planning personnel in the coastal zone States, supported by numerous fishery organizations in the Atlantic, Gulf, Pacific, and Great Lakes, supported by organized labor, and supported by an overwhelming majority of the other body by a vote of 68 to 0 and by this body by a vote of 376 to 6.

Mr. Speaker, I urge an overwhelming vote in favor of this conference report.

Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. SAYLOR).

(Mr. SAYLOR asked and was given permission to revise and extend his remarks.)

Mr. SAYLOR. Mr. Speaker, and Members of the House, I am deeply disappointed in this conference report in one respect. On the second of August by a vote of 261 to 112 the House of Representatives expressed its will on the Kyl amendment, saying that this should be handled by the Secretary of the Interior, administered by the Secretary of the Interior and not by the Secretary of Commerce. For some reason unbeknown to me the conferees decided it should go to the Secretary of Commerce.

Mr. Speaker, it seems to me that it will require setting up an entire new agency in the Department of Commerce, and even though the Secretary of Interior has the right of veto, it seems that this is really letting the House down when the House expressed its will so well on the second of August, and I am extremely disappointed on this aspect of the conference report.

Mr. MOSHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. KYL).

(Mr. KYL asked and was given permission to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, I have had two very strong desires in connection with this legislation. First I want our estuaries, our seashores and lakeshores protected. Second, I have desired that the administration of this matter should be in the Department of the Interior and, as has been said, I offered an amendment to this bill on the floor earlier this year. That amendment carried by 165 votes. My view was shared by a majority of the Members of this body.

But, Mr. Speaker, we can be held hostage by time, and; the other body over which we have no control. I do not know who taught whom, but there are a number of individuals on the floor who can play out the time with the skill of a

professional football quarterback in the waning moments of the game.

So we have a problem.

Someone has said if we send this bill back to conference it will die. I do not want that to happen. The same individual who is in a position to make such a decision says if we do not get this conference adopted, there will be no ocean dumping control bill, and I do want that.

The Department of the Interior and the Office of Management and Budget have both held that this should be in the Department of the Interior rather than in the Department of Commerce, and especially in light of the very comprehensive national land use planning which has been provided in legislative form by the Committee on Interior and Insular Affairs, which has been held so that the people of this Nation can know exactly what is in store for them, rather than for the Congress to sneak up on them with a law from which they cannot extricate themselves, a law which they could not stand.

I had planned to offer a motion to recommit to instruct the conferees. To do so would jeopardize the legislative controls that we need in this instance and in the instance of ocean dumping.

So rather than doing that, I think we have arrived at a satisfactory solution which will permit us to give further airing to the problem of administration and accomplish our legislative and environmental policy.

So at this time, I would like to ask the gentleman from Virginia as to his attitude toward having priority hearings early in the next Congress—joint hearings between the Committee on Merchant Marine and Fisheries of the House and the Interior Committee of the House on this subject of jurisdiction so that we can again air it for the public and for the Members of Congress.

Mr. DOWNING. Mr. Speaker, I wish to assure the gentleman on the record, as I have privately, that I will seek to hold hearings jointly with the appropriate committee of the Interior Committee and with the proper Fish and Wildlife and Oceanographic Committee.

I am next in line for the chairmanship of the Oceanographic Subcommittee and I will do everything I can and I give you my word to expedite in every way I can this legislation in the early part of next year.

Mr. KYL. Mr. Speaker, I yield to the gentleman from Colorado (Mr. ASPINALL).

(Mr. ASPINALL asked and was given permission to revise and extend his remarks.)

Mr. ASPINALL. Mr. Speaker, I wish to associate myself with the remarks of the gentleman from Iowa. With the assurances that have been made by the gentleman from Virginia as well as the gentleman from Ohio, and with the understanding that the Committee on Interior and Insular Affairs will also join in this endeavor, I shall reluctantly support this conference report.

Mr. Speaker, I regret very much that the conferees on S. 3507 have not seen fit to accept the House decision that the coastal zone management program be

administered by the Secretary of the Interior. You will recall that this decision was made in the House by a vote of 261 to 112, or better than two to one.

Mr. Speaker, as you know, the Committee on Interior and Insular Affairs has reported legislation calling for a comprehensive land use policy covering the entire Nation, including the coastal zones. This comprehensive land use program would be administered by the Secretary of the Interior, as recommended by the Administration. Because of numerous problems that have developed, including some jurisdictional problems with other committees, action on this comprehensive legislation cannot be completed this year.

As I pointed out when this coastal zone legislation was being considered by the House, it represents only a piecemeal approach to the land use policy and planning problems.

Mr. Speaker, I am convinced that comprehensive land use policy and planning legislation administered by the Secretary of the Interior will be enacted. If Congress is going to approve the piecemeal approach, represented by S. 3507, we should at the very least provide for administration by the department that will administer the comprehensive program, in order to eliminate overlaps in jurisdiction and provide for uniform procedures.

Mr. KYL. Mr. Speaker, the Department of the Interior and the Office of Management and Budget have not reversed their position. I have been an advocate of that position. We legislate and the executive branch can veto, if they so desire. It is our job to do the legislating.

I believe that the solution we have arrived at is the best solution that is available to us at this time and I would, therefore, urge those who have supported that position, which I hold, to cooperate with us at this point.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. KYL. I yield to the gentleman.

Mr. CONTE. Mr. Speaker, I want to take this opportunity to compliment the gentleman in the well, the gentleman from Iowa, for his leadership on this particular piece of legislation. I followed his leadership earlier this year and I agree with him wholeheartedly.

Along with the gentleman from Colorado, I am very disappointed but I will reluctantly support the conference report. Again I want to commend the gentleman from Iowa.

Mr. KYL. I thank the gentleman from Virginia (Mr. Downing) for his assurance and I thank the gentleman from Massachusetts.

Mr. DELLENBACK. Mr. Speaker, I want to join in complimenting the gentleman in the well for the extremely effective way in which he led the successful fight to amend this bill when it was on the floor of the House. The gentleman from Iowa (Mr. KYL) is an exceptional legislator. He combines outstanding knowledge of his subjects with a rare capacity to marshal and express his arguments in a most persuasive and effective manner. Never backward or shy

about fighting to advance Iowa interests, he is at the same time possessed of a national perspective on major issues that is badly needed in the Nation's Congress.

I joined with the gentleman in the original fight, and I reluctantly join with the gentleman at this time in going along with what he has now proposed. In the light of the assurances that have been given by the gentleman from Virginia (Mr. DOWNING), this is probably the best way to handle this matter at this time.

I again join in following the leadership of the gentleman in the well who has led the fight so extremely well on an extremely worthwhile project and who has done so in an exemplary fashion.

Mr. MOSHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to compliment the gentleman from Iowa (Mr. KYL) for the compromise arrangements that he has engineered here today on the floor and I assure him I will participate completely in agreement for joint sessions of the two committees in the next Congress.

Mr. du PONT. Mr. Speaker, I rise in support of the coastal zone management bill conference report. The coast of the United States and the adjacent waters represent one of this Nation's most precious resources, yet this resource has been subject to drastic degradation and uncontrolled development. While we all recognize the necessity of implementing a rational policy for the usage of all our lands, the coastal zone perhaps is the most endangered area and needs top priority.

Delaware has been a pioneer in this respect. We have a small coastline with some of the most unspoiled beaches and wetlands on the east coast, and Delaware's Governor Peterson led the fight to impose tough restrictions on the development of this resource. As a consequence Delaware has developed a sound scheme for the orderly and judicious use of this resource. Other coastal States have not had the fortune of such leadership.

At our shorelines 65 million Americans are building, disposing and polluting the coastal zone. Just the concentration of people, let alone the industry which follows, have put unbearable pressure on coastal ecosystems. The shorelines cannot absorb any more poor planning and development.

The need for this legislation should be apparent to all my colleagues, yet after the distinguished chairman of the Oceanography Subcommittee and the other members of the committee have worked on this bill since 1969 it is distressing that some agency jurisdictional problems are jeopardizing its enactment.

I think it would be tragic if this vital legislation were defeated on a simple question of administrative and functional convenience. I need not remind this body that the other house unanimously supported a bill which would keep the administration of the act within the Commerce Department.

I also want to point out that the focal point of this act is the States, not the Federal Government. The purpose is to assist the States in their development

of sound coastal zone management problems. Administrative functions in the act seem to be secondary to its real goals.

I also want to emphasize the broad range of support for the conference report expressed by diverse groups such as the Sierra Club, the AFL-CIO, and the League of Women Voters.

I sincerely hope my colleagues will recognize the importance of such legislation and will weigh that against the arguments of those who believe the act must be administered by the Interior Department or by no one at all. Rejecting this conference report solely on an administrative issue would be a pyrrhic victory indeed and the ultimate loser will be the American shores.

Mr. MOSHER. Mr. Speaker, I have no further requests for time.

Mr. DOWNING. Mr. Speaker, I want to take just a moment to compliment the gentleman from North Carolina (Mr. LENNON) who is one of the leaders on this legislation.

(Mr. DOWNING asked and was given permission to revise and extend his remarks.)

Mr. ANDERSON of California. Mr. Speaker, I reluctantly rise in support of the conference report on S. 3507, the Coastal Zone Management Act.

Reluctantly, because I am deeply disappointed that the Senate conferees would not accept the position of the House of Representatives regarding the extension of State-established marine sanctuaries to areas under Federal jurisdiction.

As a member of the subcommittee which wrote this legislation, we were successful, in committee, in adding a provision which I authored designed to protect State-established sanctuaries, such as exists off Santa Barbara, Calif., from federally authorized development.

This provision would have required the Secretary to apply the coastal zone program to waters immediately adjacent to the coastal waters of a State, which that State has designated for specific preservation purposes.

It was accepted overwhelmingly by the House of Representatives despite the efforts of the oil and petroleum industry to defeat it.

But what they failed to accomplish in the House, they accomplished in the conference committee, where the cloak of secrecy prevents the public from knowing the responsible parties.

The State of California, in 1955, created five marine sanctuaries to protect the beaches from oil spills. In 1963, two more sanctuaries were created.

These State-established sanctuaries, which extend from the coastline seaward to 3 miles, account for nearly a fourth of the entire California coast.

However, the Federal Government has jurisdiction outside the State area, from 3 to 12 miles at sea. All too often, the Federal Government has allowed development and drilling to the detriment of the State program.

A case in point is Santa Barbara where California established a marine sanctuary banning the drilling of oil in the area under State authority.

Yet, outside the sanctuary—in the fed-

erally controlled area—the Federal Government authorized drilling which resulted in the January 1969 blowout. This dramatically illustrated the point that oil spills do not respect legal jurisdictional lines.

Our Federal policy must be in support of State laws, for without conformity, State laws may be useless.

Our coasts are both a State and national treasure, and must be protected from unwise, ill-planned usage.

Mr. Speaker, having made it perfectly clear how disappointed I am, that the provision which would have protected the State sanctuaries was eliminated by the conference committee; I now, want to make it equally clear that from the overall viewpoint, the Coastal Zone Management Act should be supported.

As a coauthor of the original House bill; I believe this measure is a great step forward in establishing certain procedures that will result in the protection of our coasts from over-development.

And for that reason, I support it, and I urge my colleagues to also vote for its adoption.

Mr. FRENZEL. Mr. Speaker, I rise today in support of H.R. 14146, the coastal zone management bill. It pleases me greatly to see that we have finally gone past the point of discussing whether or not this Nation needs a national coastal zone management plan. We obviously do, and to have reached the final passage and implementation stage is of great credit to this committee's work.

However, Mr. Speaker, it puzzles me to find that the administering agency for this program is not to be found in the Department of Interior but rather in the Department of Commerce. Within this bill there are provisions which will supposedly insure the internal cooperation of these two agencies. I hope the cooperation works, but the organization is an unfortunate allotment of authority in this vital field. It does not negate the value of the entire proposal.

Briefly then, I find the proposals for administration contained in H.R. 14146 to be inadequate. However, the bill overall is meritorious, and, more importantly, it is badly needed right now. Despite its defect, I urge its passage.

Mr. BOLAND. Mr. Speaker, the objective of the coastal zone management bill is to develop a master plan for preserving and developing our coastal resources.

The legislation before us will coordinate Federal, State, and local efforts to strike a balance among the many competing demands on these resources. In order to avoid a continued erosion of our resources, a rational plan for conservation, utilization, and development of the coastal zone will be drawn up by experts. Alternatives will be weighed in light of their environmental, social, and economic impact on the coastal waters.

This legislation is supported by environmental, governmental, and commercial groups, and is in keeping with the National Environmental Policy Act signed into law 2 years ago. I am pleased that the Congress has acted to assist the States in carrying out programs to manage their irreplaceable coastal resources.

Mr. DOWNING. Mr. Speaker, I move

the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CORRECTIONS IN ENROLLMENT OF S. 3507

Mr. DOWNING. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 721) and ask unanimous consent for its immediate consideration.

The clerk read the concurrent resolution as follows:

H. CON. RES. 721

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (S. 3507), to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In subsection (h) of section 305, strike out "1975" and insert in lieu thereof "1977".

(2) In the section heading of section 312, strike out "ESTAUURINE" and insert in lieu thereof "ESTUARINE".

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DOWNING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

SPECIAL ORDER TO SALUTE HON. EMANUEL CELLER

Mr. ROONEY of New York. Mr. Speaker, at the conclusion of all legislative business and all other special orders heretofore entered, I ask unanimous consent to address the House for 1 hour to salute one of the finest men that this body has ever known: the Honorable EMANUEL CELLER, dean of the House, dean of the New York State delegation, and chairman of the House Committee on the Judiciary.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. In view of the occasion, the Chair would place this special order at the head of the previously ordered special orders, if there is no objection.

There was no objection.

CORRECTION OF ROLL CALL

Mr. SMITH of Iowa. Mr. Speaker, on roll call No. 399 on October 3, a quorum

call, I am recorded as absent. I was present and answered to my name. I ask unanimous consent that the permanent Record and Journal be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

TRIBUTE TO THE HONORABLE EMANUEL CELLER

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. ROONEY) is recognized for 1 hour.

Mr. ROONEY of New York. Mr. Speaker, at the conclusion of all legislative business and other special orders heretofore entered, I ask unanimous consent to address the House for 1 hour to salute one of the finest men this body has ever known—The Honorable EMANUEL CELLER, dean of the House, dean of the New York State delegation, and chairman of the House Judiciary Committee. MANNY CELLER means so much to this body, so much to each of us individually that it is extremely difficult to put into words just how strongly we feel about him. Those of us who have been privileged to have the opportunity of representing citizens of New York have had the advantage of having a closer working relationship with MANNY. Thus, we feel the loss of his retirement more sharply perhaps than many other Members, many old time friends. But I think it will stand uncorrected to say that every Member of the House of Representatives knows the gentleman from New York. There are currently some 41 gentlemen and gentlemen from New York but when one says the gentleman from New York he can only refer to one man, our beloved MANNY CELLER.

I not only knew MANNY with whom I served as a Member of this House for going on 29 years, but I had the pleasure of intimately knowing him and his family. I traveled with MANNY on several occasions and recall with fond recollection one trip to the Eagles' Nest in Bavaria with MANNY, his dear wife Stella, his daughter, Judy, and the director of his New York congressional office, Miss Mary Dougherty.

MANNY has been a leader, confidant, and friend to so many of us over the years. So many, many times he has provided the legislative know how to get something done, the shoulder to lean on, the wit to lighten the dark moment, the moral guidance we all need. He has been a leader in the fight for rights for all our people, for civil liberties of every size, shape, and order. But he has been much more. He has been the rock upon which we have leaned so many times, he has given us spirit when we had none, courage when we lacked the will and above all he has given us his very own heart. Mr. Speaker, I feel that if I go on I will become maudlin and I would not want that to mar this tribute to so great a man. Suffice it to say that MANNY CELLER will be sorely missed and that we all wish him Godspeed and happiness in his future.

(Mr. McCULLOCH, at the request of Mr. ROONEY of New York, was granted

permission to extend his remarks at this point in the Record.)

Mr. McCULLOCH. Mr. Speaker, there walks in this Chamber a giant of a man. He has served as chairman of the House Committee on the Judiciary longer than anyone else in our history. For one-half a century he has served his country as a Member of this body.

But such legislative records do not truly measure his greatness. What does speak to his greatness is that his work improved the quality of American life. He changed things. He championed the politically weak against the politically strong. He championed the voteless and the poor, trying year after year to bring America home to her ideals. For his labor he had nothing to gain—only the thanks of a grateful Nation.

It was not too long ago that some Americans were not permitted to enter the theaters, restaurants, hotels, schools, labor unions, and residential communities. These were reserved only for others. But the man from the sidewalks of Brooklyn with—let me say at the risk of self-praise—some modest assistance from a man from the plowfields of Ohio, led Congress to adopt laws that opened our society to all of our people. Of course, there is much yet to be done. But we would never have been headed in the right direction were it not for MANNY CELLER.

He was born in the 19th century, but his stamp has been left indelibly on the 20th. He authored 350 statutes and four constitutional amendments. It is also important to note that he thwarted many foolish ideas which otherwise would have marred the code or the constitution.

MANNY CELLER will be recorded in our history books as one of the almighty greats. For certainly history must reserve such a place for one who, although he did not father his country, did lead it from adolescence into adulthood.

Mr. RODINO. Mr. Speaker, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Speaker, one finds it difficult to select just the right words to adequately express one's depth of feeling for a man who has stood out as a beacon light in these great Halls of Congress for so many years—a man for whom I hold great respect and admiration and whom I have been privileged to know not only as a colleague but also as a friend.

When I came to these Chambers 24 years ago I looked upon EMANUEL CELLER with awe for he had already established a record of achievement, since then his monumental accomplishments have made history. I consider myself most fortunate to have had the opportunity to work at his side on the Judiciary Committee for over two decades and I found that my respect and my regard for his wisdom, his learning, his compassion, and sensitivity have grown with each passing year.

The works of the ancient Hebrew sage, Ben Sira, in defining the virtues of great and wise men, perhaps best serve to portray my picture of Mr. CELLER before the eyes of all of us here today:

DEFENSE DEPARTMENT APPROPRIATIONS

Mr. MANSFIELD. Mr. President, before the distinguished chairman of the Committee on Appropriations and the ranking Republican member, the Senator from North Dakota (Mr. YOUNG), leave the Chamber, there are some figures which should be a part of the record on the conference report on the defense budget which will be taken up in the Senate tomorrow.

The distinguished chairman of the committee, the Senator from Arkansas (Mr. McCLELLAN), will point out that the conference report on the Department of Defense bill is \$5,221,208,000 below the budget request of the administration, and the bill which we are about to take up, the military construction bill, shows, on the basis of the conference report, a savings of \$337,981,000 below the budget.

If we add up what Congress has done in the matter of budget requests as they covered the defense appropriation bill and the military construction appropriation bill, the total under the defense budget presented to Congress by the administration—the total below that budget—is \$5,559,189,000.

I think that is most interesting and as a matter of fact, I think it is newsworthy.

Mr. President, I now yield to the distinguished Senator from Wisconsin (Mr. NELSON).

SENATE RESOLUTION 379—TO REFER THE BILL S. 4097 TO THE CHIEF COMMISSIONER OF THE U.S. COURT OF CLAIMS FOR A REPORT THEREON

Mr. NELSON. Mr. President, I send to the desk Senate Resolution No. 379, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

S. RES. 379

Resolved, That the bill (S. 4097) entitled "A bill for the relief of Doctor Donald J. Alm", now pending in the Senate, together with all the accompanying papers, is hereby referred to the chief commissioner of the United States Court of Claims. The chief commissioner shall proceed with that bill in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. NELSON. Mr. President, this resolution simply directs the Court of Claims to make an appropriate investigation of a claim that I have filed and which has gone to the committee, to determine the nature, character, and validity of the claim for reimbursement of a constituent of mine, and to report back to the appro-

priate committee, pursuant to statute, at the earliest possible day.

The resolution (S. Res. 379) was agreed to.

COASTAL ZONE MANAGEMENT ACT OF 1972—CONFERENCE REPORT

Mr. HOLLINGS. Mr. President, I submit a report of the committee of conference on S. 3507, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. ALLEN). The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3507) to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of October 6, 1972, at pp. H9322-H9325.)

Mr. HOLLINGS. Mr. President, I ask unanimous consent that supporting statements by the Senator from Alaska, the ranking minority member, and the Senator from Washington on the Committee on Interior and Insular Affairs, and myself, which will be submitted tomorrow, be received into the permanent Record and made a part of the Record as if delivered here tonight.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I move adoption of the conference report.

The motion was agreed to.

MILITARY CONSTRUCTION APPROPRIATIONS, 1973—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I submit a report of the committee of conference on H.R. 16754, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. ALLEN). The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 16754) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of October 11, 1972, part II on page H9718.)

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the requirement that the conference report be printed as a Senate report be waived, inasmuch as under the rules of the House of Representatives it has been printed as a report of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, the conference committee agreed on an overall figure of \$2,323,403,000 in new obligational authority for the military construction appropriation bill for fiscal year 1973. This is \$337,981,000 under the budget request for fiscal year 1973 of \$2,661,384,000. The amount agreed to by the conferees is \$14,323,000 under the Senate Bill of \$2,337,726,000 and \$42,619,000 over the House bill of \$2,280,784,000. The conference committee agreed on the following amounts for the military services:

Army, \$413,955,000; Navy, \$517,830,000; Air Force, \$265,552,000.

Mr. President, I wish to emphasize that there is no money contained in this bill for Southeast Asia or Okinawa. I also wish to state that insofar as possible the conferees agreed that our NATO allies should help with construction projects for both the Army and the Air Force in Europe.

Mr. President, the conferees agreed on a bill which will provide for the construction requirements for the military services for the ensuing year. It is true the conference committee did disallow a number of projects that it was felt could wait a year, or the services failed to furnish information completely justifying them.

I do not intend to make a long involved statement on this action of the conference committee. The conference report explained in a succinct manner the complete actions of the conference committee.

Mr. President, this completes my statement. I will be glad to answer any questions which individual Senators may have concerning construction projects in their State which were items of conference.

But on the whole, I feel they will be satisfied with what the distinguished Senator from Massachusetts (Mr. BROOKE) and I did during the hearings.

Once again, I extend my personal thanks to the Senator from Massachusetts (Mr. BROOKE) for the understanding, cooperation, diligence, and integrity he displayed so consistently during the conference.

Mr. President, I ask unanimous consent, on behalf of the distinguished Senator from Massachusetts (Mr. BROOKE) and myself, that a tabulation containing a summary of the conference action on the military construction appropriation bill for fiscal year 1973 be printed in the Record.

There being no objection, the tabulation was ordered to be printed in the Record, as follows: